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## Consejo de Derechos Humanos

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**Promoción y protección de todos los derechos humanos, civiles, políticos, económicos, sociales y culturales, incluido el derecho al desarrollo**

## Informe del Relator Especial sobre el derecho a la alimentación, Sr. Olivier De Schutter

Adición

### Misión a la República Árabe Siria\* \*\*

#### *Resumen*

En el presente informe figuran las conclusiones y recomendaciones del Relator Especial sobre el derecho a la alimentación en relación con su visita a la República Árabe Siria, que tuvo lugar del 29 de agosto al 7 de septiembre de 2010.

La visita se desarrolló en un contexto especialmente difícil, caracterizado por el cuarto año consecutivo de sequía en la región nororiental, la presencia de un gran número de refugiados iraquíes y la transición de una economía planificada a una economía social de mercado. En su informe, el Relator Especial elabora una evaluación general del ejercicio del derecho a la alimentación en la República Árabe Siria, un panorama de los problemas que plantean la sequía y el cambio climático, así como del ejercicio del derecho a la alimentación por parte de grupos específicos, y un análisis de los problemas en materia de derecho a la alimentación a los que se enfrenta el Gobierno en su transición a una economía social de mercado. El Relator Especial concluye su informe con distintas recomendaciones al Gobierno y a la comunidad internacional.

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\* El resumen del presente informe se distribuye en todos los idiomas oficiales. El informe propiamente dicho, que figura en el anexo del resumen, se distribuye en el idioma en que se presentó y en árabe únicamente.

\*\* Documento presentado con retraso.

## Anexo

### Report of the Special Rapporteur on the right to food on his mission to Syria (29 August - 7 September 2010)

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## I. Introduction

1. At the invitation of the Government, the Special Rapporteur on the right to food visited the Syrian Arab Republic from 29 August to 7 September 2010. The purpose of the mission was to understand, in a spirit of cooperation and dialogue, the challenges facing the State in the realization of the right to food. The mission included visits to the governorates of Al Hasakah (including the Al Shaddadi district), Dayr Az Zawr and Aleppo.

2. The Special Rapporteur commends the Government of the Syrian Arab Republic for its cooperation during the mission, the first conducted in the country by a mandate holder of the Human Rights Council. The Special Rapporteur met with the Minister for State Planning, Amer Lutfi; the Minister for Economy and Trade, Lamia Assi; the Minister for Environmental Affairs, Kawkab Alsabeh Dayeh; the Minister for Irrigation, Nadir Al-Buni; the Deputy Minister for Social Affairs and Labour, Dr. Issa Maldaon; the Minister for Agricultural and Agrarian Reform, Adel Safir; the Vice Minister for Foreign Affairs, Faysal Mekdad; and officials from the Badia Commission.

3. The Special Rapporteur also had the opportunity to meet with representatives of various international agencies, including the International Fund for Agricultural Development (IFAD), the World Food Programme (WFP), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and the Syrian Arab Red Crescent. He had exchanges with the National Agricultural Policy Centre, the Arab Centre for the Studies of Arid Zones and Dry Lands and the International Centre for Agricultural Research in the Dry Areas. Lastly, the Special Rapporteur met with members of the donor community, including representatives of the European Commission, the development agency of France and the cooperation agency of Italy.

4. The Special Rapporteur is very grateful to the Resident Coordinator, Ismail Ould Cheikh Ahmed, and to the Office of the United Nations High Commissioner for Human Rights, including its Beirut Regional Office, for its role in the preparation of the mission.

5. The visit took place in a particularly challenging context, characterized by the fourth consecutive year of drought in the north-eastern region, the presence of a large number of Iraqi refugees and the transition from a centrally planned to a social market economy.

6. On 4 May 2010, the World Trade Organization (WTO) began to examine the Syrian request for WTO membership, nine years after the request was filed. The European Union – Syria Association Agreement, initially signed in 2004 but re-initialised on 4 December 2008 after it was put on hold for political reasons by the European Union, is now open for consideration by the Syrian Arab Republic. The conclusion of trade agreements of this type poses specific challenges, particularly with regard to ensuring compatibility with human rights obligations, such as the right to food. The Special Rapporteur will formulate his recommendations to the Government of the Syrian Arab Republic in a separate communication.

## II. Overview of the right to food in the Syrian Arab Republic

7. During the visit, the Special Rapporteur learned of various important policies and programmes to achieve food security in the country, including the National Program for

Food Security.<sup>1</sup> While commending the Government for its efforts, the Special Rapporteur notes that the adoption of a human rights approach and a right-to-food framework law based on the normative content of the right to food<sup>2</sup> could significantly increase the impact of these efforts.

## A. Situation of food insecurity and malnutrition

8. The Syrian Arab Republic has a total population of 22 million people, 47 per cent of whom live in rural areas. Most of the country is semi-arid to arid, with over 90 per cent of the landmass receiving a mean annual rainfall of less than 350 mm. Nonetheless, the total cultivated area is about 4.9 million hectares, representing about one quarter of the territory. In recent years, the agricultural sector has contributed to more than 26 per cent of gross domestic product (GDP) and employed 19 per cent of the total population (figures for 2008). Despite its high average annual population growth, estimated at 2.45 per cent, in the past the country has managed to support its agricultural sector, achieving self-sufficiency for certain strategic crops. This, combined with a system of public provision of subsidized basic food commodities, ensured a certain degree of food security for most people. The effectiveness of the system, however, was uneven across regions: according to UNDP estimates for the period 2003-2004, extreme poverty affected 2.02 million people, or 11.4 per cent of the total population, with marked regional variations. Extreme poverty reached 17.4 per cent of the total population in 2008, instead of moving towards the 2010 target of 8.7 per cent.<sup>3</sup> With regard to the nutritional situation of children under five years of age, the proportion of extremely and moderately underweight children decreased from 12 per cent in 1993 to 9.7 per cent in 2007, but rose again to 10.3 per cent in 2009.<sup>4</sup> Given the severity of the drought, the State is not expected to meet the Millennium Development Goal of halving the prevalence of underweight children under 5 years of age by the end of 2010.

9. The figures for food insecurity could now be significantly higher, a result of the successive droughts in the north-east but also of man-made aggravating factors, such as recent policy changes in the agricultural sector, including the increase of the cost of fuel (see paragraphs 52-62 below). The Special Rapporteur estimates that, today, up to 3.7 million people may be food insecure. This figure includes those already living in extreme poverty before the droughts began to affect the country, as well as those who lost their incomes – and in many cases, their main productive assets – as a result of drought.

10. Unfortunately, the above-mentioned figure is only tentative, as mapping of food insecurity and vulnerability is still insufficient in the Syrian Arab Republic, making it difficult to assess the actual scope of hunger and malnutrition in the country today. This not only poses a problem for understanding the situation the authorities face, but is also an obstacle to the appropriate targeting of policies.

11. Since 2006, the country has endured four consecutive droughts. The drought of 2007/08 was particularly devastating, placing additional burdens on the country. Although rainfall in 2009 and 2010 has been greater than in the three previous years, it was poorly distributed; while the impact on pasture land was positive, crops failed in the rainfed areas

<sup>1</sup> National Program for Food Security in the Syrian Arab Republic, National Agricultural Policy Centre, Damascus, February 2010.

<sup>2</sup> See E/C.12/1999/5.

<sup>3</sup> State Planning Commission, Mid-term evaluation report of the tenth 5-year plan, UNDP, March 2009 (unpublished, in Arabic), cited in Samir Aita, "Labour markets policies and institutions, with a focus on inclusion, equal opportunity and the informal economy: the case of Syria", national background paper, International Labour Organization (unpublished), 2009, p. 74.

<sup>4</sup> Family Health Survey for Syrian Families, preliminary results, 2009–2010.

of the most vulnerable agro-climatic zones. These repeated droughts have resulted in significant losses for the population in the north-eastern region, particularly in the governorates of Al Hasakah, Dayr Az Zawr and Al Raqqah. In total, 1.3 million people have been affected, 95 per cent of whom live in these governorates; 800,000 were severely affected. A joint United Nations needs assessment mission found in June/July 2009 that the impact was particularly severe for an estimated 75,641 small-scale subsistence farmers growing rainfed wheat and barley; of these, 36,956 farmers (80 per cent of whom lived in the Al Hasakah governorate) were considered most vulnerable. Many farmers again suffered crop failure in 2010 owing to 55 straight days without rain, after good rainfall at the beginning of the rainy season; in addition, problems also emerged in irrigated areas, as farmers producing soft wheat were severely affected by yellow rust disease, which spread rapidly owing to the severe climatic conditions.

12. From 2006 to 2009, crop failures meant fewer crop residues to feed animals. Furthermore, since the drought reduced available grazing pastures, approximately 38,600 small-scale herders living on small ruminants (goats or sheep) were seriously affected, losing or having to slaughter much of their livestock, or selling in distress sales. In the Badia rangeland region, which covers some 10 million hectares (excluding the irrigation band along the Euphrates River), many nomadic herders sold male livestock at a higher than usual rate. According to the drought impact report and the pre-harvest assessment mission conducted jointly by the Government and the United Nations country team, in 2009, herds shrank on average by approximately 70 per cent; a number of small herders lost as much as 80 to 90 per cent of their livestock. Only after the rain season of 2009/10 did the situation slightly improve, with pasture vegetation growth in the Badia region returning to normal, providing natural pasture to animals. Thanks to the recent rainfall, some of the herders affected by previous droughts were able to recover by borrowing or selling assets to restart herding activities. However, at least 10 per cent of herders – the most vulnerable – could not, namely, those already in debt and unable to obtain additional loans, or those left with too few animals to sell.

13. The impact of successive droughts has been dramatic for both small-scale farmers and herders. In the affected regions, the income of these groups dropped by as much as 90 per cent. Many families were forced to reduce food intake: 80 per cent of those affected were reported to live on bread and sugared tea. Families sold productive assets, reducing their ability to restore their livelihoods in the future. Children were removed from schools because education became unaffordable and because their work was needed by the family as a source of revenue. Some resorted to seasonal work, for instance as waged farm workers on cotton fields or in the textile industry in the Damascus area. Others migrated more permanently to the western part of the country in the hope of finding employment, despite generally low levels of qualifications and without any kind of assistance. According to widely cited estimates for 2009, between 29,000 and 30,000 families migrated. Indeed, the estimates suggest that, in 2010, as many as 50,000 families, mostly small-scale farmers from Al Hasakah governorate, have migrated.<sup>5</sup> While migration is not a new phenomenon, the drought has led it to increase, and whole families – not just individual members in search of seasonal work – have migrated in larger numbers as a result. Although the provision of food assistance in the affected areas and support to farmers during the seeding season has in part reversed this trend, such migrations may lead the land owned by migrating families to be left untended, as well as to an increase in school drop-out rates. The Al Hasakah governorate reported a drop-out rate of 3.01 per cent (10,405 students); in

<sup>5</sup> Precise figures are not available at this time. In the Syria Drought Response Plan 2009-2010 mid-term review, published in February 2010, the United Nations estimated that, in 2009, 65,000 families has already left their villages, 35,000 from Al Hasakah and 30,000 from Dayr Az Zawr, Al Raqqah and Aleppo.

some schools in the north-east, however, enrolments had dropped by 80 per cent by the end of the 2009/10 academic year,<sup>6</sup> And even though children who migrated may have access to local or mobile schools, this may not always be a realistic option where their work is needed.

14. Another burden for the country is the presence of large numbers of refugees from Iraq. On the basis of figures supplied by border control agents, the Government estimates that there are more than 1 million Iraqi refugees in the Syrian Arab Republic. Only a small proportion of refugees is, however, registered with UNHCR, which can provide assistance; as at August 2010, their number was approximately 150,000. The vast majority of Iraqi refugees have settled in urban centres with the Syrian population, in and around Damascus, with smaller numbers in Aleppo, Homs, Hama, Dayr Az Zawr, Lattakia, Tartous and Hasakah. This situation makes the detection and identification of vulnerable Iraqis particularly challenging.

## **B. Access to food, subsidized food commodities and social protection schemes**

15. Price increases on global food commodities markets have had an impact on Syrian consumers. The general consumer price index of the Central Bureau of Statistics indicates a significant increase in 2008: an index of 148.38 for foods, compared with 122.93 in 2007 and 100 in 2005.<sup>7</sup>

16. The Government has established a set of policies to provide food at affordable prices to all Syrian citizens, particularly through subsidies for basic food commodities. State-owned stores of the General Establishment for Storing and Marketing Agricultural and Animal Products (GESMAAP), affiliated with the Ministry of Economy and Trade, sell certain commodities (such as bread, cooking oil, ghee, tea and certain fruits and vegetables) with a low profit margin or at subsidized prices: for instance, bread is sold at 50 per cent of its cost of production. A voucher system is also in place to ensure that each registered household receives half a kilogram of rice and each person one kilogram of sugar per month. In total, this distribution system of subsidized food commodities represents 10 to 15 per cent of the total demand for basic food commodities. It is universal in coverage. It therefore ensures, in principle, food affordability for the poorest segments of the population. The system is also credited with having coaxed private traders to reduce their profit margins on these commodities. However, the system could be improved in a number of ways.

17. Firstly, certain poor households are not registered. Some families whom the Special Rapporteur met in the Badia region in Dayr Az Zawr governorate live in remote areas and had been unable to register because of the obstacles they face, including transportation costs. Such obstacles could be removed by allowing the mobile GESMAAP trucks that travel to remote areas to register households or by allowing representatives of the Badia Commission to do so. More common is the situation of households that are not registered because a male family member has not complied with his compulsory military service duties. However, excluding a household for this reason from a system that seeks to meet basic needs and to be universal in coverage is inconsistent with its very purpose, namely to serve as a safety net for the entire population. In addition, it unfairly penalizes children and women, the people usually most directly affected by malnutrition.

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<sup>6</sup> Joint United Nations Assessment Mission, June/July 2009.

<sup>7</sup> Available on the website of the Central Bureau of Statistics at [www.cbssyr.org/index-EN.htm](http://www.cbssyr.org/index-EN.htm) (accessed on 26 January 2011).

18. Secondly, the system, as it is currently organized, allows all Syrians, in principle, to afford at least a basic diet composed of bread and sugared tea. For the nutritional impact of the programme to be improved, however, it should be extended to cover lentils, chickpeas, eggs and a wider range of fruits and vegetables, as well as dairy products for children and lactating or pregnant women. If extending the existing scheme is considered fiscally unsustainable, it could be limited to those below a defined poverty threshold.

19. Thirdly, the Government is in the process of introducing a conditional cash-transfer programme. According to a 2008–2009 survey conducted with the support of UNDP, some 548,000 households have been identified as potential beneficiaries of such a programme, to be administered by a new national social aid fund, provided they comply with school enrolment and child vaccination requirements. This would represent considerable progress: with an average of five to six persons per family, over 3 million people (one seventh of the total Syrian population) could ultimately benefit. Establishing a social protection scheme is particularly critical at a time when the Syrian Arab Republic is tackling several challenges that increase the vulnerability of certain groups: the acceleration of the transition from a centrally planned to a social market economy; the effects of climate change; and the possible decrease in remittances (estimated to account for up to nine per cent of GDP) from Syrian migrant workers in Gulf States hit by the economic crisis.<sup>8</sup>

20. With regard to the above-mentioned programme, the Special Rapporteur recalls that using human rights principles could enhance its effectiveness significantly.<sup>9</sup> Programmes targeting beneficiaries on the basis of prior food insecurity mapping can maximize the impact. A clear definition of beneficiaries in legislation, making access to social assistance a right for the beneficiaries, may limit the risk of resource diversion as a result of corruption or clientelism, and can improve accountability of the administration responsible for implementation, particularly if courts are empowered to monitor implementation. Furthermore, making women rather than men the direct beneficiaries of the cash-transfer system, as household heads, increases the likelihood that the resources will be used in the best interest of the children and of the household as a whole, and contribute to rebalancing power relationships within the family. This would also be consistent with realities on the ground: owing to emigration to Lebanon and seasonal internal migration of men, many rural women act as the head of the household for at least part of the year.

### III. Drought and climate change: the need for a human rights-based response

21. The north-east of the Syrian Arab Republic is expected to become a "hot spot" of vulnerability to climate change,<sup>10</sup> which will have increasing effects on the region, such as a decrease in the discharge of the Euphrates and other rivers<sup>11</sup> and declining mean annual rainfall (from a 5 to 10 per cent decrease in the north-east and a 10 to 25 per cent decrease in the Badia region).<sup>12</sup> The effects of climate change in the country are already evident from the cycles of drought, which have shortened from a cycle of 55 years in the past to the

<sup>8</sup> Samir Aita, "Labour markets policies and institutions", p. 61.

<sup>9</sup> A/HRC/12/31, para. 28.

<sup>10</sup> E. De Pauw, "Hot spots of vulnerability to climate change" in *Caravan* (magazine of the International Centre for Agricultural Research in the Dry Areas), issue no. 25, December 2008, p. 44.

<sup>11</sup> Khan, "Identifying adaptation interventions to climate change: WFP's role in Egypt, Syria, oPt and Tajikistan", preliminary study, WFP ODC Regional Bureau, June 2010, pp. 10 – 11.

<sup>12</sup> W. Göbel and E. De Pauw, *Climate Change and Drought Atlas for parts of the Near East: a baseline dataset for planning adaptation strategies to climate change*, International Centre for Agricultural Research in the Dry Areas, Aleppo, 2010, map 34.

current cycle of seven or eight years.<sup>13</sup> In this context, the Special Rapporteur notes the importance of human rights standards and principles when addressing the challenges posed by climate change, particularly individual empowerment, community participation in decision-making processes, equality and non-discrimination, and accountability mechanisms.<sup>14</sup>

## **A. Response of the Government**

22. The Government has taken a number of measures in reaction to the successive droughts that have affected agro-climatic zones 4 and 5, covering respectively 10 per cent and 55 per cent of the national territory, and where the average annual rainfall is respectively between 200 and 250 mm and below 200 mm. For instance, following the drought in 2009, food assistance was provided to 30,000 affected households in Al Hasakah; subsidized seed was provided to farmers, and subsidized feed to small-scale herders; the reimbursement of farmers' loans was deferred and new loans were made available to farmers and herders; 13,000 previously unauthorized wells were licensed, allowing farmers depending on the wells to qualify for certain support schemes; and measures were taken to favour investment in the affected areas.

23. The above-mentioned measures are welcome and important. However, two factors have limited the ability of the Government to react effectively. First, it was slow to recognize the scale of the problem, and thus to take the measures required and to call upon foreign assistance. While ad hoc decisions were made, the degree of preparedness was poor; although a national drought strategy had been under preparation since 2000 and was officially approved in 2006, implementation measures have still not been taken, with the exception of certain pilot projects and the establishment of an inter-ministerial national drought steering committee chaired by a representative of the Prime Minister. Second, there is a lack of capacity; given the scope of the challenge, governmental services were clearly overstretched, and the response from the donor community was poor.

24. Any management of drought risk requires four, complementary elements: (a) an institutional and policy framework, and financial reserves, to improve drought preparedness; (b) policies to reduce vulnerability to drought (drought mitigation); (c) interventions during drought to respond to the crisis (drought response); and (d) measures to be taken after the drought to rebuild the livelihoods and productive capacity of affected households (drought recovery).<sup>15</sup> The set of measures taken at each of these levels should ensure that priority is given to the most vulnerable in the management of drought, that the measures taken will be informed by the view of those affected, and that the beneficiaries of such measures are clearly defined, in conditions that comply with the principle of non-discrimination and that define the beneficiaries as rights-holders to whom the governmental agencies in charge of implementation are accountable. This follows from the need to take into account the right to adequate food. It also can significantly strengthen the strategy's effectiveness, particularly by improving the flow of information from those affected to the authorities, and by ensuring that the impact of measures, through improved targeting, will be maximized. Finally, it can convince the donor community to provide more support for the strategy, especially if the management of funds allocated to the strategy is fully transparent.

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<sup>13</sup> Third Country Millennium Development Goals report: Syrian Arab Republic, 2010.

<sup>14</sup> A/HRC/10/61, paras. 80 – 83.

<sup>15</sup> Implementation guidelines for the national drought strategy (TCP/SYR/3102), Ministry of Agriculture and Agrarian Reform and the Food and Agriculture Organization of the United Nations, July 2009.

## 1. Drought preparedness

25. The national drought strategy should provide for an institutional and policy framework that ensures that information flows easily from the representatives of local communities to the authorities. This could be achieved by establishing drought committees at the district level, headed by a representative of the Ministry of Agriculture and Agrarian Reform or of the Badia Commission, and ensuring adequate representation of farmers and herders through the farmers union. Each district drought committee could draw up plans of action for different stages of the drought, ranging from drought mitigation (for example, by improving water harvesting methods) to drought response (for example, by encouraging the sale of animals at an early stage of the drought, before prices fall, to allow herders to purchase fodder and save on stock rebuilding costs after the drought, or by identifying useful food-for-work or cash-for-work programmes for the community during the drought) or drought recovery (for example, by identifying the relevant support to be provided to those affected, such as the provision of subsidized seed to farmers or re-stocking for herders). The participation of the communities affected in district drought committees is vital, so that their real needs can be accounted for and they are informed about their rights and their role in drought response.

26. As the risk of a drought materializes, every week lost in reacting to it can seriously compound its impact. One important element of drought preparedness is therefore the availability of funds that can be mobilized at short notice and with a minimum of formalities, to answer needs as they arise. Ideally, the national drought fund that the Government intends to set up<sup>16</sup> should be financed by both the Government and donor contributions, and earmarked for that purpose. Such a fund could be combined with the establishment of a reinsurance mechanism: one part of the fund could serve to pay a premium to private reinsurers against promises of payment, to meet at least part of the fiscal costs incurred as a result of the drought, if rainfall is lower than a certain level. The fund could also intervene during the recovery phase of the drought strategy: even though proper implementation of drought mitigation strategies, as described below, may reduce the impact of future droughts, the establishment of an insurance mechanism that would compensate farmers in the event of crop failure could be envisaged, as has been done in Ethiopia by the AXA RE insurance company.

## 2. Drought mitigation

27. Building agricultural and grazing systems suited to coping with future droughts must be a priority to mitigate the impact of droughts on the most vulnerable farmers and herders. Comprehensive water policies should encourage water conservation to ensure sustainability of groundwater availability. The drop in water table levels in the Syrian Arab Republic is extremely worrying; during his visit to the International Centre for Agricultural Research in the Dry Areas on 5 September 2010, the Special Rapporteur was informed that the level of the Tel Hadya water table dropped from 70 metres below ground surface in 1983 to 105 metres in 2006.

28. Major financial resources are currently being committed to expand the cultivated irrigated area, which increased by 15 per cent between 2000 and 2007,<sup>17</sup> and to move to modern irrigation techniques using less water (such as supplemental, drip and sprinkle irrigation). The National Fund for Conversion to Modern Irrigation, established by

<sup>16</sup> Following a ministerial field assessment in June 2009, the Office of the Prime Minister decided to establish a fund for the drought-affected population amounting to 1 per cent of the country's agricultural production value.

<sup>17</sup> National Agricultural Policy Centre, "The impact of increasing food prices on farming communities and changes in their livelihoods", July 2009, annex II.

Legislative Decree No. 91 of 2005, has been allocated 52 billion Syrian pounds for 10 years.<sup>18</sup> The extension of irrigated areas may, however, accelerate water resource depletion and land salinization; in addition, many small farmers are unable to benefit from the Fund because they are highly indebted (normal after four years of drought).

29. In the view of the Special Rapporteur, in the framework of a broader water strategy, which should plan water availability and allocation among various uses, more attention should be paid to improving rainwater collection in the rainfed areas of cultivation (76 per cent of cultivated land). Maximizing the direct use of rainwater for food production would help to replenish water tables and thus ensure the sustainability of irrigation overall. It would also heighten the resilience of farming communities to the effects of climate change.

30. Rainwater harvesting methods go beyond simple dams. Permeable rock dams, contour ridges, runoff strips and semi-circular bunds slow down runoff water, improving soil moisture that make the cultivation of fruit trees (such as almond or olive trees) feasible in semi-arid areas and create grazing areas in more arid ones. Such systems increase the amount of water that effectively drains into the soil to about two to four times than would be otherwise the case. They require only a one-off investment in the first year with some maintenance afterwards and, according to certain estimates made in Jordan,<sup>19</sup> have economic internal rates of return higher than 15 per cent. Moreover, such systems halt land degradation and desertification, and improve the stability of village life. Hedgerows and windbreaks can also stabilize soil and provide fodder, while reducing evaporation because they lower wind speeds.

31. Rainwater harvesting methods best serve the needs of the most vulnerable farmers and lead to a more sustainable use of water resources; they therefore deserve priority in both the short term and the long. They could be expanded in both the Badia region and in the north-east to prioritize areas assessed as highly suitable.<sup>20</sup> Food-for-work or cash-for-work schemes involving local communities in a participatory manner could be a practical and feasible option for their rapid expansion, with technical assistance from the Arab Centre for the Studies of Arid Zones and Dry Lands and the International Centre for Agricultural Research in the Dry Areas, which have benchmarked the best systems in the Middle East and worldwide.<sup>21</sup>

32. The provision of drought- and salt-tolerant varieties should also be continued, and be complemented by conservation cropping techniques (such as zero tillage) that minimize fuel costs, an important aspect given the rise of fuel prices. Lastly, more incentives should be given to diversify crops and varieties.

33. Extension services will play a key role in providing advice to farmers about best crop choices, training on new methods and the dissemination of best practices. The transition to sustainable agricultural practices is a knowledge-intensive process, and small-scale farmers and herders should receive special attention in this regard. The availability of well-resourced extension services is particularly important given the combined impact on farmers of climate change and the declining support for agriculture. Farmers should become partners and actors of this transition, not merely the recipients of information.

<sup>18</sup> National Program for Food Security in the Syrian Arab Republic, p 8. At present, approximately 3.7 million hectares (76 per cent) of the cultivated areas are rainfed and 1.2 million hectares (24 per cent) are irrigated.

<sup>19</sup> Akroush et al., *Assessing the Adoption, Economic Analysis and Environmental Impact of Water Harvesting Techniques*. Badia Benchmark Site – Jordan, National Centre for Agricultural Research and Extension, p. 2.

<sup>20</sup> E. De Pauw, "Harvesting the rain" in *Caravan*, issue no. 26, December 2009, p 29.

<sup>21</sup> Oweis et al., *Water Harvesting: Indigenous Knowledge for the Future of the Drier Environments*, ICARDA, Aleppo, 2001.

34. The Special Rapporteur commends the efforts made to support agri-food economic activities with added value (for example, cheese-making) and off-farm job opportunities in the north-east. These efforts are vital to diversify the economy and provide additional livelihood options for those affected by drought. They should focus on labour-intensive activities to reduce the high unemployment rate (26.5 per cent in Al Hasakah governorate in 2004,<sup>22</sup> the highest in the country), and should target job opportunities for women.

### 3. Drought response

35. During droughts, food-for-work or cash-for-work programmes, the provision of food aid or fodder, and school-feeding programmes are some of the measures that can be taken to limit the scale of migration to other areas, where migrants have no social ties and put further stress on public authorities. The fact that some migration will occur, however, is probably unavoidable. While some migration may be seasonal, some might be more permanent. Those that have migrated are internally displaced persons as defined in the Guiding Principles on Internal Displacement.<sup>23</sup> They therefore have a right to be supported by the State both as they seek to return and, until they return, wherever they may be found.

36. Specifically, principle 9 of the Guiding Principles declares that States are under a particular obligation to protect against the displacement of groups with a special dependency on and attachment to their lands, including peasants. Measures such as those mentioned above, which seek to curb migration from affected areas by supporting communities, are therefore to be encouraged. When such measures fail, however, principle 18 recalls that the human rights of displaced persons should be respected, including the right to an adequate standard of living, and that the full participation of women should be ensured. While it is up to the Syrian authorities, first and foremost, to assess whether these principles are complied with, the Special Rapporteur believes that this obligation would be better discharged by the introduction of a cash-transfer programme for all individuals below a defined poverty threshold (see paragraph 19 above).

### 4. Drought recovery

37. When measures designed to allow affected households to rebuild their livelihoods are taken, attention should, once again, be paid to the needs of the most vulnerable. For instance, the provision of loans, even at low interest rates, is of no use to small-scale herders or farmers already heavily indebted and who therefore do not qualify under the current Agricultural Cooperative Bank policy, lack collateral, or may not wish to fall further into debt. For such persons, restocking schemes by means of Government subsidies, or the direct provision of inputs, are the best solution.

## B. Response of the international community

38. The response of the international community to the drought has been unacceptably poor. A first flash appeal, conducted by the United Nations country team in September 2008, met with limited success, although it did allow WFP to provide food assistance to 40,000 small-scale herders living in the Badia region until November 2009. In August 2009, following a joint United Nations assessment mission, the Syria Drought Response Plan was adopted to address urgent humanitarian needs and reduce the drought's impact on the most vulnerable until the June 2010 harvests. The Plan focused on the Al Shaddadi district in the Al Hasakah governorate, the area most affected by drought. By the end of

<sup>22</sup> National Agricultural Policy Centre, National Programme for Food Security in the Syrian Arab Republic, Damascus, February 2010, p. 11.

<sup>23</sup> E/CN.4/1998/53/Add.2, annex, para. 2.

2009, only 14 per cent of the appeal had been funded. The country team turned to the Central Emergency Response Fund, which became the single largest donor to the Plan, contributing 38 per cent of the total funding received by 22 February 2010. However, nine Plan projects, accounting for 22 per cent of the original Plan, have received no funding at all; at the time of the mission, only 33.4 per cent of the Response Plan (the full cost of which was lowered from \$53 million to approximately \$43 million in December 2009) had secured funding.<sup>24</sup>

39. This failure of the international community to support the Syria Drought Response Plan raises a number of questions. Firstly, when the country team puts together such a plan, the agencies involved go to great lengths to ensure appropriate coordination across the range of actions that they envisage; allowing donors to set their own priorities, by funding some projects and neglecting others, undermines the very purpose of the coordination effort. For instance, it is poor strategy when FAO starts implementing seed distribution (which it had to do in the sowing season in October 2009) before WFP is able to deliver food assistance for the same recipients: you cannot sow while your children are starving. Secondly, in times of emergency, when lives may be irremediably broken, weeks cannot be lost in seeking the assistance of donors; agencies with urgent humanitarian needs should have more funds at their disposal, allowing for rapid disbursal, to face such crises. This is particularly the case where populations lack access to food. The Special Rapporteur reiterates in this regard his proposals concerning the reform of the Food Aid Convention, which, he believes, should make food aid needs-based rather than donor-driven.<sup>25</sup>

## **IV. Enjoyment of the right to food by specific groups**

### **A. Iraqi refugees**

40. In concert with the Government of the Syrian Arab Republic, the international community, including United Nations humanitarian agencies, has responded to the large influx of Iraqis by providing registered refugees with food aid and non-food items, psychosocial support, and health and education services. A total of 30,000 refugees, one fifth of all registered, receive some cash assistance, in amounts determined by the composition of the household. Most support, however, comes in the form of food aid distribution by WFP working with the Syrian Arab Red Crescent. One innovative intervention in this regard is the mobile phone-based electronic voucher system, a WFP pilot project in collaboration with GESMAAP (see paragraph 17 above). The system provides an electronic voucher that lists the entitlement available to each family, and notifies beneficiaries by a text message sent to their mobile phones. Since 97 per cent of Iraqis in urban areas own mobile phones and the cellular operator MTN provides SIM cards free of charge to beneficiaries, the system could be scaled up without any major obstacle. Electronic voucher beneficiaries have access to GESMAAP stores, and thus to a greater range of food commodities. Beneficiaries can thus choose food items more suited to their dietary needs, unlike in the case of directly received food aid. The voucher system also limits the risk of resale of food items on the black market, and eliminates the need to pick up bulky food aid packages.

41. The Syrian Arab Republic should be commended for its generosity in hosting Iraqis seeking refuge within its borders. Among the countries in the region, it hosts the largest number of Iraqi refugees, although this puts significant strain on the Syrian economy, as

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<sup>24</sup> This figure should be slightly revised following a donation made by Oman of 40,000 tons of rice, including 12,000 tons in response to an appeal from WFP.

<sup>25</sup> See A/HRC/10/5.

well as on its public education and health services, which are open and free to all Iraqi refugees. Nonetheless, the Special Rapporteur is concerned that Iraqi refugees face obstacles when seeking access to the formal employment market, which is only possible on the basis of an administrative authorization; many Iraqi refugees with no other income source are therefore forced to turn to the informal sector. Women, children, persons with disabilities, older persons and female-headed households are particularly vulnerable, as work in the informal sector is generally inaccessible to them.

42. The lack of legal status for Iraqi refugees remains a concern. Although the Syrian Arab Republic is not a party to the 1951 Convention relating to the Status of Refugees, it has obligations under the human rights instruments it has ratified, including the International Covenant on Economic, Social and Cultural Rights, that benefit all those under Syrian jurisdiction, including the Iraqi refugees. The rights protected under these instruments include the rights to food and to work, which are interlinked. Both the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination have taken the view that non-nationals under the jurisdiction of a State party to the instruments, regardless of their status and documents, should be protected from discrimination in access to employment, as well as from various forms of abuse by employers commonly faced by non-citizen workers.<sup>26</sup>

43. The response of the international community to the situation of Iraqi refugees could be improved. Various United Nations entities have been providing humanitarian assistance and appealed to international donors, with only limited success. For example, as at August 2010, WFP had only managed to secure 35 per cent of the funding required for its food assistance programmes. It currently reports a shortfall of \$21 million of a total of \$35 million needed for its programme to support Iraqi refugees.

## **B. Herders in the Badia region**

44. Herders living in the Badia region are among the most vulnerable and food-insecure groups in the Syrian Arab Republic. Repeated droughts have had a severe impact on their livelihoods, compounding the consequences of overgrazing and unsustainable brush cutting for firewood. In Dayr Az Zawr governorate, for instance, more than half of all herders were forced to migrate, and those who remained rely on food assistance, as they lost 50 to 80 per cent of their herds. Many small-scale herders with whom the Special Rapporteur met reported having lost an even larger proportion of their livestock.

45. The creation of the Badia Commission in 2006 has had significant positive effects, refocusing the efforts of the State in zone 5 and providing vital support to the herders concerned. The human and financial resources allocated to zone 5, however, should be increased in order to strengthen grazing management and land rehabilitation projects (such as grazing reserves) and to invest in water harvesting methods (see paragraphs 29–33 above) to the herders' livelihoods. An expansion of grazing reserves, which could use a cheaper system of direct seeding of a larger mix of native species, could permit all-year grazing, thus reducing the need for transhumance. Moreover, the authorization of cultivation in certain areas, such as land depressions, where tree cultivation may be envisaged based on appropriate soil topography, could also diversify herders' livelihoods while ensuring the sustainability of the Badia region.

46. The Special Rapporteur encourages WFP to implement its food-for-work project (currently in the design stage) to provide food to those who contribute to community

<sup>26</sup> See E/C.12/GC/20, para. 30, E/C.12/GC/18, para. 12, and HRI/GEN/1/Rev.9 (Vol. II), general recommendation XXX, paras. 29 and 33 – 35.

projects relating to climate change adaptation. The project could be a useful complement to the efforts of State authorities.

### C. Stateless Kurds

47. The Kurds represent the largest non-Arab ethnic group, accounting for about 10 to 15 per cent of the population. Some members of the Syrian Kurdish population do not possess Syrian nationality: the *ajaneb* (foreigners) have Syrian red identification cards and do not possess any other nationality; others, the *maktumeen* (unregistered), are completely unregistered by the Government, although some carry a paper listing family details issued by the local village head (*mukhtar*). Stateless Kurds live mostly in the north-eastern region that borders both Iraq and Turkey, where many engage in agricultural work or related industries. Although the tenth 5-year plan (for the period 2006-2010) adopted by the Government recognizes the need to focus more efforts on the relatively underdeveloped north-eastern region, the socio-economic situation of stateless Kurds has worsened because of successive droughts; most stateless Kurds are in fact concentrated in Al Hasakah governorate, the most affected province.

48. Nationality remains an issue of concern for many stateless Kurds in the Syrian Arab Republic. An estimated 120,000 Syrian-born Kurds claim that they became stateless in 1962, when a census was conducted in Al Hasakah governorate. According to the Government, the census aimed to differentiate between Kurds born in the State and those who entered it illegally from Turkey or Iraq after 1945. The number of stateless Kurds, both *ajaneb* and *maktumeen*, has subsequently grown, and is now estimated to be between 250,000 and 300,000. Although these figures are subject to debate, the issue is one of principle. *Ajaneb* Kurds remain registered by the Government as foreign and are ineligible for State subsidies or for access to State hospitals. They also have no access to public employment, and may face discrimination when trying to obtain health services or tertiary education. *Maktumeen* Kurds face even higher barriers. Since these individuals, as stateless Kurds, do not possess any legal, administrative or other identity and are considered foreign, they may face obstacles in their access to certain social programmes or when seeking employment in the formal sector, which would afford them the economic means to purchase their own food. The Special Rapporteur received conflicting evidence about the impact of their administrative situation on their enjoyment of the right to food for these groups. He notes, however, that, regardless of nationality and/or administrative status, the Government has an obligation to ensure the enjoyment of the right to food for everyone under its jurisdiction.

49. To its credit, the Government acknowledges that it must take action to resolve the issue of Kurdish statelessness. In November 2005, President Bashar Al-Assad publicly expressed his intention to resolve issues of nationality in the Hasakah region; to date, however, no significant progress has been made. In the view of the Special Rapporteur, nothing less than the attribution of full citizenship rights is required. Under customary international law, everyone has the right to a nationality and a right not to be arbitrarily deprived of his or her nationality.<sup>27</sup>

50. One additional issue of concern has been access to land. State land expropriations have affected the Kurds, particularly those who lost their Syrian nationality following the 1962 census in Al Hasakah governorate. Expropriated land was redistributed to Arabs who were moved into the area as part of the Arab Belt project (1973–1976). The project, which

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<sup>27</sup> See article 15 of the Universal Declaration of Human Rights, and the case of *Yean and Bosico v. Dominican Republic*, Inter-American Court of Human Rights, judgement of 8 September 2005, Series C, No. 130.

was implemented in the Kurdish majority region of Hasakah, was aimed at creating an Arab-inhabited cordon, 10 to 15 km deep and 375 km long, along the borders shared with Turkey and Iraq. In the Belt, as in other border regions of the country, land transactions are subject to administrative control. It is reported that, in accordance with Decree No. 49 (2009) on land ownership, individuals must now seek a license from the Ministry of the Interior to register all land, whether agricultural or urban, in the applicant's name. The Special Rapporteur is concerned that there is a high risk of discrimination against Kurds in the implementation of this law, as those denied a land license are given no explanation and have no legal recourse to challenge the decision.

## **V. Transition from a centrally planned to a social market economy: challenges from the perspective of the right to food**

### **A. Agricultural policies to support farmers**

51. One of the main objectives of past Syrian agricultural policies has been to enhance self-sufficiency of main staples to achieve food security. The 5-year and annual production plans specified areas for crops, the type of crops to be planted and crop rotations, all in a State-led system. Subsidies for farm inputs and fuels played a major role in agricultural policy, especially for strategic crops, such as wheat, cotton and barley.

52. Since 1986, however, the agricultural sector has shifted from centrally planned system to an "indicative planning" system (sixth 5-year plan), then to a "social market economy" (tenth 5-year plan for the period 2006-2010).<sup>28</sup> Deregulation of the agricultural sector has led to the phasing out of certain forms of support for farmers. Starting in 1987, a series of decrees has gradually removed subsidies for pesticides, fertilizers and agricultural machinery.<sup>29</sup> The State has also abandoned its policy of compulsory delivery to State companies, except for strategic crops, and stopped its control of prices of locally produced seed. Farmers have also gained some degree of autonomy in decision-making in the choice of cropping systems,<sup>30</sup> and the private sector is now allowed to export.

53. The tenth 5-year plan approach, which aims to increasingly integrate the country into the world economy and to become a WTO member, accelerated the deregulation of the agricultural sector. Fuel subsidies were removed in May 2008, leading to a 342 per cent jump in fuel prices.<sup>31</sup> Fertilizer subsidies were also removed in May 2009, leading to significant increases in fertilizer prices (293 per cent for superphosphate, 202 per cent for nitrate and 458 per cent for potassium).<sup>32</sup> The removal of subsidies is entirely justified from an environmental point of view, as they encourage their excessive use and unsustainable overconsumption of well water. In addition, subsidies mainly benefited more affluent farmers, since the degree of concentration for irrigated land is high in comparison with

<sup>28</sup> National Agricultural Policy Centre, "The impact of increasing food prices on farming communities and changes in their livelihoods", July 2009, annex II, p. 1.

<sup>29</sup> National Program for Food Security in the Syrian Arab Republic, Damascus, February 2010, pp. 25 – 29.

<sup>30</sup> Government intervention is limited to strategic crops and cultivation areas. All farmers are now allowed to choose freely minor crops to be planted, while small farmers (on less than 0.5 ha) are entirely free to choose which crops to plant.

<sup>31</sup> The price of a litre of diesel rose from LS 7.3 to LS 25. It was lowered to LS 20 in January 2009, but has since risen to LS 27.

<sup>32</sup> Fertilizers are distributed solely through the Agriculture Cooperative Bank; see the Study on the impact of subsidization of agricultural production on development, poverty and social impact analysis, UNDP country study, UNDP Syria Country Office, Damascus, 2008, p. 20.

rained land,<sup>33</sup> and since, for the most part, the largest producers were using oil in significant proportions in their production.<sup>34</sup> At the same time, the largest, most affluent producers are better able to withstand the direct and indirect shocks of liberalization and benefit from the opportunities it creates, since they have easier access to credit for agricultural inputs, irrigation and machinery, as well as to knowledge.

54. The speed of migration flows from rural areas to cities is cause for concern, as it puts great stress on the country, and because part of this flight from rural areas may be due to changes in agricultural sector policies. Estimates based upon Syrian labour force surveys conclude that, as a result both of policy changes and productivity gains, 460,000 active people were pulled out of the agricultural labour force between 2001 and 2007, representing a 33 per cent decrease in jobs in this sector (and 10 per cent of the total labour force),<sup>35</sup> while agricultural GDP rose by 9 per cent.<sup>36</sup> Most jobs were lost in 2003 and 2004, two years not affected by droughts.<sup>37</sup> Women were particularly affected, accounting for 57 per cent of all losses (265,497 jobs); most were reported in Raqqah, Hama and Lattakia.<sup>38</sup> The losses in the agricultural sector have not yet been entirely absorbed by gains in other economic sectors, which moreover require higher qualifications than those of the persons who lost their livelihoods in farming.<sup>39</sup>

55. Compensation policies were put in place for the most affected crops in order to cushion the impact of fuel and fertilizer price increases. Compensation per hectare were allocated to farmers cultivating cotton, and procurement wheat prices were increased. Nevertheless, some groups were seriously affected, particularly farmers reliant on water pumped from wells. Increases in crop prices were often insufficient to offset increases in production costs, partly because part of the price increase was captured by middlemen. As a result, a significant number of people left farming.<sup>40</sup>

56. Another important development since 2000 has been the dismantling of State farms as a result of decision No. 83 of the Regional Command of the Baath Party.<sup>41</sup> Independent research suggests that land redistribution may have mostly benefited persons linked to central and traditional power structures<sup>42</sup> and that, as beneficiaries rented or sold their land, entrepreneurs were able to create large private domains, resulting overall in an increase in land concentration.<sup>43</sup>

57. The challenge currently facing the Syrian Arab Republic is that of moving away from a State-led agricultural sector, with its high subsidies that foster reliance on technological packages, while not penalizing small-scale farmers who work on the most

<sup>33</sup> It has been estimated that 28 per cent of farmers work 75 per cent of irrigated land, while 49 per cent of the farmers work only 10 per cent of irrigated land. See IFAD, Syrian Arab Republic, Country Strategic Opportunities Programme, 2009.

<sup>34</sup> See IFAD, *ibid.*

<sup>35</sup> Samir Aita, "Labour markets policies and institutions", pp. 2, 19 and 21.

<sup>36</sup> *Ibid.*, p. 76.

<sup>37</sup> *Ibid.*, p. 21.

<sup>38</sup> *Ibid.*, p. 81.

<sup>39</sup> *Ibid.*, pp. 19 and 21.

<sup>40</sup> *Syria Today*, May 2009, pp. 29 – 45.

<sup>41</sup> In 1986, State farms cultivated a total of 62,188 ha and employed more than 16,000 farm workers; their economic performance was generally poor. See Myriam Ababsa, "Contre-réforme agraire et conflits fonciers en Jazîra syrienne (2000-2005)", *Revue d'études des mondes musulmans et méditerranéens*, vol. 115-116 (2007), pp. 211 – 230.

<sup>42</sup> See Myriam Ababsa, "Privatisation in Syria: State farms and the case of the Euphrates project", European University Institute working paper, RSCAS N° 2005/2, p. 9.

<sup>43</sup> *Ibid.*, p. 16.

marginal soils.<sup>44</sup> The "green revolution" model of agricultural development may have proven to be unsustainable. It does not follow that the solution is for the State to withdraw from agriculture; instead, it must support agricultural production in ways that are more environmentally sustainable and that increase the income of the poorest farmers, thus contributing to the alleviation of rural poverty.

## B. State intervention in strategic crops

58. Despite liberalization in agriculture, the State still intervenes in the case of a number of strategic crops, which may be grouped into three categories according to the degree of Government intervention in pricing, marketing and subsidization policies. The first category includes crops that farmers are obliged to sell to State companies at fixed prices (wheat, cotton, sugar beet and tobacco). In the case of the second category (barley, lentils and chickpeas), farmers may choose either to sell their produce to the Government at fixed prices or to sell them to the market at free prices. The third category includes what might be called new subsidized crops, such as citrus fruits, apples, olives, tomatoes, potatoes and sweet corn; these crops are supported through subsidies per hectare, but without Government intervention in pricing and marketing.

59. The price of strategic crops is determined at planting by a special committee, which holds an annual meeting during which it calculates production costs and adds a profit margin (25 per cent is standard, but the profit margin reflects the crop's strategic importance in the Government outlook; it reached 50 per cent for barley in certain years), after consultations with the general farmers' union. This may be significantly higher than current world market prices. Price changes were small between 1996 and 2008, when the global surge in international prices led the Government to raise the price of wheat and of other crops. It is estimated that the cost of Government intervention in the three major strategic crops amounted to 4.49 per cent of GDP in 2001 (3.24 per cent for wheat, 0.79 per cent for cotton and 0.46 for sugar).<sup>45</sup> According to UNDP, in 2004, 58 per cent of total subsidies allocated to strategic crops were for the production of fuel (accounting for 11,877 million of a total of 20,255 million Syrian pounds), in particular wheat (57 per cent of all fuel subsidies) and cotton (35 per cent),<sup>46</sup> followed by those allocated to support market prices (35 per cent of total subsidies).<sup>47</sup>

60. The above-mentioned policies support farmers' incomes and are an incentive to maintain production levels when market prices fall: between 1985–1987 and 2005–2007, the land allocated to the production of wheat increased by 50 per cent and yield rose by some 70 per cent. However, apart from its fiscal cost, such a system also has disadvantages: for example, farmers have tended to shift from rainfed to irrigated cultivation to boost crop productivity, leading to an overuse of water resources.<sup>48</sup> The focus on strategic crops led to less diverse diets, since the prices of fruits and vegetables do not benefit from the same level of support and because farmers focus exclusively on the production of subsidized cash crops.

<sup>44</sup> Access to natural resources is an important determinant of agricultural incomes; see Szonny et al., *Mapping Agricultural Income Distribution in Rural Syria: a Case Study in Linking Poverty to Resource Endowment*, International Centre for Agricultural Research in the Dry Areas, Aleppo, 2005.

<sup>45</sup> UNDP project description: Study on impact of subsidization of agricultural production on development: poverty and social impact analysis, State Planning Commission of the Government of the Syrian Arab Republic and UNDP, October 2006.

<sup>46</sup> Study on the impact of subsidization of agricultural production on development, poverty and social impact analysis. UNDP Country Study, UNDP Syria Country Office, Damascus, 2008, p. 71.

<sup>47</sup> UNDP Project Description, p. 26.

<sup>48</sup> National Programme for Food Security in the Syrian Arab Republic, p. 7.

## VI. The occupied Syrian Golan

61. The Golan Heights have been under Israeli occupation since 1967, and were illegally annexed by Israel in 1981, an act condemned by the Security Council in its resolutions 242 (1967) and 497 (1981). Israel, as the occupying Power, has obligations towards the population in the occupied Syrian Golan not only under international humanitarian law but also under international human rights law. In particular, the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, defines as a grave breach the extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, if committed against persons or property protected under the Convention.

62. Israel is in clear violation of the above-mentioned international law obligations. At present, in the occupied Syrian Golan there are 45 Israeli settlements (with continuing settlement expansion) as compared with five Arab villages (Majdal Shams, Masadah, Buqatah, Ain Kinya and Ghajar).<sup>49</sup> It is estimated that some 20,000 Syrians (majority Druze, with an Alawite minority) live in the occupied Syrian Golan; the largest Israeli settlement, Katsrin, is home to approximately 20,000 settlers. The great majority of the land in the occupied Syrian Golan (96 per cent) is used to cultivate vineyards and orchards and to raise cattle. Syrians in the Golan have traditionally relied on agricultural activities for their livelihoods. It is estimated that the land farmed by Israeli settlers covers 80 km<sup>2</sup> and that farmed by Syrians is about 20 km<sup>2</sup>, even though the two populations are comparable in size. As the occupied Syrian Golan is a location suitable for agricultural activities, several Israeli companies have exploited the land to produce beef, fruits and vegetables, and wine.<sup>50</sup> Any expropriation of occupied land for non-military purposes constitutes a violation of the fourth Geneva Convention.

63. Competition between Israeli settlers and the Syrians is strongest in access to water resources. Lake Kinneret (also known as the Sea of Galilee), the only lake in Israel and its main source of fresh water (supplying as much as a third of its water) is fed from the occupied Syrian Golan. For Arabs living in the occupied Syrian Golan, water is subject to strict controls over its use, which has a significant impact on livelihoods dependent on agriculture.<sup>51</sup> Allegations have been made regarding gross disparities between the water usage allotted to Israeli settlers and to Syrian residents.<sup>52</sup> According to the Arab Association for the Development of the Golan, of the 31 million m<sup>3</sup> of water extracted annually, 28 million m<sup>3</sup> are allotted to the settlers. Furthermore, the diversion of water resources to Israeli settlements has reportedly resulted in the drying up of springs supplying water to Arab villages, adversely affecting crops and livelihoods. Syrian inhabitants are prohibited from digging artesian wells or building cisterns to store rain or snow water, while Israeli authorities have dug numerous wells for nearby settlements, often lowering the groundwater level in Arab villages.

64. Minefields continue to pose a threat to the inhabitants of the occupied Syrian Golan. According to United Nations estimates, there are about 2 million mines and 76 minefields in the Golan. Under international law, the occupying Power is responsible for eliminating landmines that endanger the lives of inhabitants.

<sup>49</sup> A/64/339, para. 89. See also A/65/72-E/2010/13, para. 73.

<sup>50</sup> A/64/339, para. 90.

<sup>51</sup> *Ibid.*, para. 93.

<sup>52</sup> *Ibid.*, para. 91. See also A/65/72-E/2010/13, para. 76.

## VII. Recommendations

65. The Special Rapporteur recommends that the Government of the Syrian Arab Republic:

(a) Adopt a comprehensive national strategy to realize the right to adequate food, as recommended by the Committee on Economic, Social and Cultural Rights and under the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by FAO in November 2004; such a strategy should define a set of measures to be taken to remove the obstacles to the realization of the right to food for most vulnerable groups, on the basis of prior identification, and set clear deadlines for the adoption of these measures by the different branches of Government; adoption of a national strategy could have the added benefit of improving much needed coordination within the Government, and could be integrated into the eleventh 5-year plan (2011–2015);

(b) Improve its mapping of hunger and food insecurity to inform, inter alia, the national strategy to achieve food security;

(c) Sign and ratify the 1951 Convention relating to the Status of Refugees and adopt comprehensive national legislation on refugees, including affording refugees the right to work;

(d) Regularize the situation of stateless Kurds by giving them Syrian nationality;

(e) Monitor ex-ante the distributional impact of reforms on the incomes of smallholder farmers and vulnerable groups, such as the urban poor, particularly the impact of pricing and marketing mechanisms for strategic crops, given that poor households are affected by agricultural prices as both producers and consumers;<sup>53</sup>

(f) Prioritize support for vulnerable farmers and herders in agro-climatic zones 4 and 5, and ensure that the use of public resources does not simply lead to an increase in aggregated national agricultural production or income, but also benefits the most vulnerable groups, consistent with the use of maximum available public resources to progressively realize the right to food;

(g) Continue to diversify the agricultural sector, including by investigating whether an increase in official producer prices for lentils and chickpeas (currently below market prices) would incentivize farmers to diversify their crop rotation, a necessary condition for sustainable agricultural production in the north-east (such a strategy could be combined with an equivalent extension of the range of food commodities made available at subsidized prices in GESMAAP stores);

(h) Ensure that adequate resources are allocated to extension services and capacity-building in order to enable vulnerable farmers and herders to adapt to the deregulation of the agriculture sector;

(i) Assess the shifts in land ownership and concentration since 1994, and prevent increases in land inequality.

66. The Special Rapporteur recommends that the international community, and particularly donor countries:

<sup>53</sup> The Country Study on the impact of subsidization of agricultural production on development, poverty and social impact analysis conducted by UNDP in 2008 could be the starting point for monitoring of this type.

(a) Expand international cooperation, including financial and technical support, with the Government of the Syrian Arab Republic when addressing the impact of drought and climate change, and in line with national plans and priorities;

(b) Ensure full funding for United Nations departments, agencies, funds and programmes providing assistance to drought-affected victims, the food insecure, Iraqi refugees and other vulnerable groups.

67. The Special Rapporteur recommends that United Nations departments, agencies, funds and programmes:

(a) Integrate human rights, including a right-to-food approach, into food aid and other humanitarian assistance programmes;

(b) Support national initiatives aimed at enhancing transparency, accountability, participation and non-discrimination in national food policies and programmes.

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