



Mandate of the Special Rapporteur on the right to food

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The Impacts of Food Aid on the Human Right to Adequate Food

Expert Seminar: November 6, 2008
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Objective

The broad purpose of this consultation was to discuss how the human rights framework and particularly the right to food framework could influence the discourse on food aid and how linkages could be made between food aid and human rights practitioners. The realization of the right to food depends on good synergies between national strategies and an international environment which enables those strategies to work effectively.

Structure

Questions were prepared to guide the discussions (Annex). Broadly the first part of the meeting was devoted to a discussion of how the right to food framework might inform the practice of food aid. The second part of the consultation was dedicated to examining the future of the global food system and particularly the Food Aid Convention (FAC) in a way that could reflect a right to food approach.

The consultation was co-hosted by two Canadian organizations: Rights & Democracy, and; the Canadian Foodgrains Bank. It operated under Chatham House rules. Only the key points from the discussion are reported here.

The Human Rights Framework and the Effectiveness of Food Aid Activities

Assessing the need

In a right to food approach, it is of utmost importance to ask who determines the need for food aid, and what is the interest behind this determination? Is there a genuine need for food, or has "need" been fabricated by organizations for their own benefit? Right to food impact assessments should be conducted prior to any decision to initiate food aid, to minimize the influence of political interests.

There is a need to better identify when food aid is appropriate and whether other transfers might be more appropriate based on needs and markets. Other forms of assistance may be more cost-effective than food aid, especially if it has to be transported over a long distance. Food aid has been the default mode in the past; many donors are now moving towards cash, vouchers or food or a mix of these. Needs assessment forces donors to look at the best way to mitigate risk. The World Trade Organization (WTO) safe box is defined by needs-based assessment and a declaration of emergency.

Food aid would benefit from advance planning, though it is impossible to know exactly where food will be needed and in what quantities. There is some predictability around food needs, especially in slow-onset crises. Others are not predictable but it may be relevant to look at averages (for example, number of hurricanes in the Caribbean region per year).

Monitoring Impact

It is important to assess and monitor the impact of food aid, both positive and negative. While it is not possible to monitor all food aid transactions, sample monitoring could indicate impacts on beneficiaries and others. At the local level in some cases, community review meetings have looked at impact of food aid. There are concerns that food aid may cause dependency, but no solid evidence of this. Sometimes the most vulnerable do not receive aid because they are discriminated against, or too remote. They are entitled to aid, but they do not feel entitled. Do we need to focus more on educating people about their entitlements?

Food aid may have disincentive effects, such as depressing local market prices. If market prices are inflated (due to shortages and/or hoarding), then reducing prices will benefit net food buyers (including the poor). Net food sellers are often richer on average than the general population – if they are negatively impacted by food aid, should they be compensated? In practice, disincentive effects are more likely to come to light when they are felt by powerful interests such as commercial exporters. Small farmers often do not have much voice in society; if they are negatively affected, their complaints may go unheeded.

The US uses a “Bellmon analysis” to minimize disincentive effects of food aid, but there is scepticism over the effectiveness of this tool. It may be possible to minimize disincentive effects through better targeting and timing. Some targeting is easier if based on age, or other easily verifiable measure.

Targeting of food aid

Within a right to food approach, it is of utmost importance that food aid includes targeting based on needs. How can this principle be made operational? Is it possible to have reliable and independent needs assessments? What about self-targeting or community targeting? What about seasonality of hunger? The targeting should be bottom up even though this can become highly political.

Tied and untied food aid – examples in the US and Canada

Much discussion was devoted to US politics and practices of food aid. In the US, food aid falls within the remit of different departments (USAID and USDA), leading to gaps and poor coordination. USAID manages about \$ 2 billion of food aid, 50 percent of which is for emergency situations, whereas USDA manages about \$ 700 million partly through school feeding programmes. The current administration has proposed a 25 percent untying of food aid to allow local and regional procurement. US domestic interests, including shipping interests, are very resistant to moving away from food transfers based on US-sourced commodities but there will be a pilot project for local/regional procurement.

In Canada civil society campaigned to change food aid rules and demonstrated that procuring food aid has no effect on prices to Canadian farmers. The campaign was able to obtain the support from Canadian farmers, and in 2008, the Canadian government untied food aid 100 percent. Might it be possible to mobilize domestic constituencies in the US similarly to what happened in Canada?

Whose responsibility is it?

According to the human rights framework, the long term food security objectives should be the responsibility of national states whereas international assistance should come in when national states are unable to fulfil their responsibility. Rights & Democracy conducted fact-finding missions to three least-developed-countries and found that these states had limited ability to determine their own budgets. Agriculture extension services and safety nets had been dismantled as a result of structural adjustment programmes. R&D also found that very little legal recourse was available for those suffering from hunger.

Does food aid lead to rural development?

There are experiences in which investment in rural development has been linked to food aid interventions, for example in India and Brazil. In Brazil the government buys food from smallholders, pays a guaranteed price and transports it to the most food insecure area. Brazil has been providing food aid to Haiti but it is criticized for doing so because it does not also support rural development. In Ethiopia there was so much focus on food aid that there have not been sufficient efforts on rural development. This has reduced the potential for moving surpluses to food insecure areas

Should food aid be pre-committed?

It is distressing that for many emergencies humanitarian agencies have to put out a call to donors and wait for several months before receiving the necessary funds. Would it be possible to mobilize pre-committed aid? There have been some efforts to create insurance-based systems where donors are doing some prepositioning. The World Food Program (WFP) has been piloting the insurance system in Ethiopia, which is a slow onset crisis, with money from the World Bank (WB) and the United Kingdom (UK). However, even pre-positioned food aid has met with problems such as unloading capacity at the dock so it does not necessarily reduce cost or wait time. It may be very difficult to predict ex-ante what the need will be. Moreover, other types of appeals do not generate as large a response as emergency appeals for food.

Accountability and remedies

Accountability is of crucial importance as it could be possible to do more good with the same level of food aid if it is used better, but there is not much attention to this. We usually hear calls to increase food aid, but not much about improving the effectiveness of the existing food aid.

It is hard to design programs that avoid elite capture. Therefore more efforts should be made to identify who should receive, and what they should receive, to make the food aid process transparent. What recourse do people have if they feel left out? Poor people may not see NGOs as allies, as international NGOs often work through local elites. A local community-based organisation may have a better relationship with poor people, as a place to go to for complaints.

Recent fact-finding missions on the right to food found that people in villages feel powerless to do anything about human rights violations. Even where there are complaint mechanisms, these may be too far away, or there may be no follow up or enforcement. A few international non-governmental organisations have established a "help desk" for complaints wherever they do humanitarian transfer. Other agencies are interested in this practice, with the hope that it can reduce costs and better meet people's needs. In some countries there have been attempts to promote civil society monitoring of food aid but it may be difficult for civil society to effectively use the information they collect through their monitoring. It seems to be difficult to find financial support for this type of activity.

The WFP has limited tools to monitor impact of food aid on beneficiaries. They carry out assessments to determine food security vulnerability, usually nation-wide, and usually with local partners. Through these assessments, they ask about access (number of meals, what foods, etc), but do not ask about rights. The WFP has no institutionalised mechanism for complaints, but it does attempt to address

informal complaints when received. Some states, like India, have a long tradition of setting up complaints systems to challenge governments around receipt of benefits. Various countries have tried to implement programmes providing legal tools for people to claim rights.

The right to food and a future Food Aid/Assistance Convention

The current FAC is the only agreement which stipulates a specific amount of resources to be transferred from North to South. The price risk of the FAC is assumed by donor countries. The FAC contains helpful language about food security and alleviation of poverty, but it is not legally binding. Unfortunately, some recent international food security documents such as the Comprehensive Framework for Action of the UN High Level Task Force on the Global Food Security Crisis have failed to reference the FAC.

Three broad areas for policy reform have been identified by practitioners:

- *Commitment structure:* Can this be revised, but still retain the essence of food quantity? How should commitments be expressed? In FAC tonnes (wheat equivalent tonnes) or some other measure? How can reporting be made more transparent? The present formula of the Convention which includes money and tonnage is very complex and very hard for donor governments to deal with it – how can this be improved? In twinning (direct relation between a donor and recipient country), what counts toward commitment and who negotiates?

With the FAC based on voluntary contributions, there is a fear that more stringent rules may lead to lower commitments. With some states unlikely to meet their current commitments, they may want to scrap the FAC rather than re-negotiate.

There would also be a need for multiyear commitments (for recipients) but donor governments are not keen in committing to this, especially considering the potential for a high level of price risk. There are some examples where governments buy re-insurance on the price risk. However this can further complicate things as governments are then using public money to fund the profit of a re-insurance company. Maybe the practice of governments making open-ended commitments to fund peacekeeping operations could be looked at and replicated with food aid.

- *Quality issues:* It is not possible to monitor all FAC transactions; can a sample be monitored? How to ensure that needs assessments are carried out? How to ensure that exit strategies are planned? Should the FAC be broadened to include humanitarian assistance, social protection and/or food security? Would other forms of assistance generate as much donor interest as food does? How can nutrition be integrated in the FAC commitments? What if member states received a bonus for nutritional achievements (micronutrients) or for timely delivery? Should there be a bonus for directing food aid through WFP, or for untying food aid?
- *Ownership and participation:* The FAC currently includes only donor countries. Should recipient countries be involved (beyond their participation on the WFP board)? Should civil society be involved?

In addition, the following questions were discussed:

- *Process for negotiation:* It may be very difficult to start something from scratch. The most feasible option would be to build on FAC and keep moving it forward, with gradual reform. Recipient countries should be invited somehow.

In recent years, some FAC members have linked renegotiation to the progress in developing trade disciplines on food aid at WTO. The absence of completion of the current WTO negotiations may now make it harder to renegotiate the FAC. However member states seem to have finally agreed that they could have informal discussions about all issues related to a future Convention, but that final agreement would have to follow agreement of Doha negotiations at the WTO. The most contentious issue appears to remain monetization, particularly strongly debated between the US and the EU.

- *Location:* Would it make sense for the FAC to be located somewhere else? If the location is moved, who would be willing to pay the costs? A re-negotiated FAC may have more rigorous reporting requirements – would the current or new host be willing to cover those costs? Should the UN be asked to pay these costs? The Paris Aid Declaration was discussed as a possible model for food aid. The principles of harmonisation and integrated approach could be applicable and comply with the human rights framework.

ANNEX: Discussion Guide

Discussion Theme 1: The Human Rights Framework and the Effectiveness of Food Aid Activities?

1. How can the human rights framework guide the establishment of national structures for monitoring and early warning?
2. What role can the human rights framework play in determining how food aid activities are planned?
3. How can the human rights framework improve the targeting of food aid?
4. How can the human rights framework improve accountability in the use of food aid?
5. What role can the human rights framework provide in monitoring the unintended consequences of food aid?

Discussion Theme 2: Synergy between Food Aid Activities and Long Term Food Security

1. What value, if any, does the human rights framework bring in linking food aid activities and long term food security?
2. What factors currently limit/prevent more effective linking of food aid activities with long term food security?
3. What practical food aid strategies are available for improving this linkage?

Discussion Theme 3: Food Aid Operations as a Threat to the Right to Food

1. What aspects of food aid operations have the potential to disrupt the right to food?
2. What strategies are available to minimize or eliminate this risk?
3. How could the human rights framework be used to further minimize these risks?
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Discussion Theme 4: The Right to Food and a future Food Aid/Assistance Convention

1. How could the commitment structure of a future food aid or FAC contribute to implement the right to food? Should the priority be to improve predictability to facilitate planning by recipient governments? How should the contributions of donor states be calculated, particularly in order to avoid the risk of food aid provided under the FAC being counter-cyclical? Should there be sanctions attached to failure to comply?

2. What role could a new convention play in ensuring that food aid operations don't weaken and, preferably, strengthen the right to food?
3. How could a new convention contribute to more effective national implementation of the right to food, for instance, by improving accountability, participation, and non-discrimination?
4. How best could the revised FAC achieve this goal? Should its governance structures be improved? Should the links between reporting under the FAC and other mechanisms (eg. FAO Consultative Committee on Surplus Disposal, WTO, WFP, OECD DAC) be strengthened and if so, how?

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