

**STATEMENT OF THE UN SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD,
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THE RESULTS OF THE HIGH-LEVEL CONFERENCE ON WORLD FOOD SECURITY (ROME, 3-5 JUNE 2008) – FOLLOW-UP TO THE 7TH SPECIAL SESSION OF THE HUMAN RIGHTS COUNCIL

At its Special Session of 22 May on the global food crisis,¹ 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

¹ 7th Special session of the Human Rights Council on “The negative impact on the realization 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>

this direction, and examine which contribution corporations could make to the realization of the right to adequate food, as well as how smallhold farmers' organisations 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 current 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.² 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.

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 rewards 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 well-informed 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'.

² 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.

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 agrofuels, 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 contribution 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.³

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.

4. 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.

³ 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>.

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