

Time for a Human Right to Food Framework of Action - FIAN Position on the Comprehensive Framework of Action of the High Level Task Force on the Global Food Crisis

Wednesday 29 October 2008, by [Fian International](#) (Date first published: 23 September 2008).

Introduction

As a consequence of soaring food prices and widespread protests in more than 40 countries this year, hunger has finally attracted the public attention it deserves. Governments and Intergovernmental Organisations (IGO) have at last recognized that we are facing a "Global Food Crisis". The crisis has not come overnight. Already before the drastic increase of food commodity prices, more than 850 million people had been affected by chronic undernourishment, and about 25,000 people died from hunger every day. The food crisis is a permanent one. According to estimates, the number of hungry people might have increased by 100 million in the last few months as an immediate result of increased food prices.

A range of international conferences - like the High Level Conference on World Food Security of the UN Food and Agriculture Organisation (FAO) and the G8 Summit - make it clear that hunger has reached the top of the international agenda. Since April 2008, the reaction of the international community to the food crisis has been coordinated by the High Level Task Force on the Global Food Crisis (HLTF), which was initiated by UN Secretary General Ban Ki-moon and which is composed of all UN organisations dealing with food and agriculture issues, as well as the World Bank, the International Monetary Fund (IMF) and the World Trade Organisation (WTO). In July 2008, the HLTF released a Comprehensive Framework of Action (CFA) which is meant to set out the joint position of HLTF members on proposed action to overcome the food crisis.

FoodFirst Information and Action Network (FIAN), the international human rights organisation for the right to food, has decided to publish this position paper on the CFA for the following reasons: a) As it apparently reflects the consensus of the UN and Bretton Woods institutions, the CFA may have a major impact on food and agriculture policies internationally. b) Although the CFA contains various positive recommendations, others are highly ambiguous and problematic from the perspective of the human right to food. c) The CFA was developed and decided almost without consultation of Civil Society Organisations (CSO). FIAN is convinced that a broad debate on the policies and recommendations of the HLTF is necessary to ensure that these policies really serve their declared goal.

Executive Summary

FIAN International welcomes the high priority given to resolving the food crisis. We share the declared objective to give greater attention to agriculture in public policies and to increase support especially to smallholder farmers. The call of the CFA on developing countries to increase public spending in agricultural and rural development to at least 10 percent, and to increase the percentage of Overseas Development Aid (ODA) to be invested in food and agricultural development from currently 3 percent to at least 10 within the next five years, points in the right direction. We also share the view that social protection systems must be strengthened, particularly in times of soaring food prices.

However, FIAN has considerable doubts as to whether the analysis and the recommended actions provided in the CFA are sufficient and adequate to address the huge immediate problems we are facing. Lessons learned through many years of struggle for the human right to food, have led to the conclusion that the majority of actions suggested in the CFA will not contribute to the realisation of the human right to food for all, required by international law. They will rather contribute to cementing existing power structures which are the source of violations of the human right to food worldwide. In our analysis of the CFA, we identify severe errors and shortcomings mainly in four areas:

1. Although the CFA repeatedly mentions that **adequate food is an internationally recognized human right**, it fails to draw the necessary conclusions. It lacks any reference to legal remedies for the victims to claim the realization of this right. It fails to recognize that not only states but also IGOs and therefore the members of the HLTF, have obligations under the right to food. It neglects basic human rights principles, such as accountability, non-discrimination, participation and empowerment. And instead of recognizing demonstrations by hungry people as a legitimate means to claim the right to food, the CFA conflates social movements with criminal groups “ready to harness popular frustrations into a challenge against the state and its authority”. The disregard of basic democratic principles is underlined by the fact that the decision on the CFA has not been taken by governments, let alone parliaments, and relevant CSOs have never been consulted in a meaningful way. And finally, the CFA fails to apply a human rights approach in its recommendations for the proposed fields of action, such as social protection, the promotion of agriculture and international trade.

2. Although the CFA recommends strengthening **social protection systems**, the concrete proposals have a very narrow and exclusive focus, which implies a high risk that many of those most in need will be excluded. By recommending a narrow targeting and regular screening “to filter out those who have graduated beyond the eligibility threshold”, it fails to recognise that the ultimate goal of any social protection system is to guarantee the human right to food for all. The approach taken by the CFA sacrifices effectiveness to the altar of efficiency. Universal programmes or basic income programmes, which would avoid such pitfalls and still provide reasonably targeted cash transfers without selection, are not even mentioned. By proposing food for work programmes and other alternatives to unconditional assistance, the CFA tries to ensure that even the poorest have to “pay” in one way or another for transfers which are a matter of life or death.

3. Although the CFA claims to provide targeted support to **smallholder farmers**, it

does not recommend any convincing action to remedy existing and avoid future discrimination of this very group which is especially vulnerable to hunger. It fails to address gender issues as well as the question of how disempowered segments of society gain the right to be heard in the formulation of national policies. The CFA does not mention the ongoing worldwide process of land grabbing and massive violent dispossession of rural communities due to heavy investments in extractive industries, tourism, large infrastructure projects, industrial development projects and last but not least agrofuels. The need for comprehensive and redistributive agrarian reforms in order to fulfil the right to food of the poor is completely ignored. Neither does the CFA address the discrimination against smallholder farmers arising from the domination of the whole food supply chain by a few transnational companies (TNCs) which have considerably increased their profits during the last year, often at the expense of their suppliers.

4. Although the CFA suggests a review of **trade and taxation policies**, it already foresees the result: more liberalisation at all levels. Past experience with the impacts of trade liberalisation on small scale farmers provides ample ground for expecting that the proposed tariff reductions and financial support, especially for imports, will suffocate any efforts in developing countries to revive domestic small scale food production. The CFA condemns export restrictions as one of the main reasons for the food crisis, without distinction or consideration of circumstances which might justify the use of such instruments in a given country in order to secure stable domestic food prices for the poor. The announcement of the HLTF of a general lobbying for trade liberalisation, under the leadership of the World Bank and the IMF, raises high concern that the CFA might even lead to further violations of the right to food instead of avoiding them.

Based on this analysis and its experience in the struggle for the right to food, **FIAN recommends to the HLTF members:**

- To enable a broad consultation process on the CFA at the international and national level prior to its implementation, involving all sectors of the society affected by the food crisis, and to ensure a human rights based monitoring of the implementation of the adapted CFA.
- Not to use the CFA as a reference document for food policies prior to such broad and truly participatory consultation process at the international level.
- To assess the impact of their current policies and activities, particularly those of the World Bank and the IMF, on the human right to food and report on an annual basis to the UN Human Rights Council.
- To respect the role of social movements in defending the right to food and in policy formulation and to counter any attempts to criminalise social movements.
- To make sure that their work on social transfers is from now on based on human rights and to stop propagating narrow selection mechanisms and conditionalities for cash transfers.
- To promote the introduction of nation wide food indexed social cash transfers and pilot projects on universal social cash transfers in all countries affected by the food

crisis.

- To identify, in consultation with the affected groups, immediate measures to protect rural communities' access to land and natural resources and to assist governments in implementing these measures.
- Not to support any production of agrofuels on large plantations. A moratorium on agrofuels production should be considered to allow time for regulatory structures to be put in place to safeguard economic, social and environmental rights.
- To support national land planning processes which are truly participatory in order to facilitate redistribution of land to small-scale food producers.
- To subject all new large-scale development projects to a human rights assessment following the "Basic principles and guidelines on development-based evictions and displacement" submitted by the former UN Special Rapporteur on the Human Right to Housing in 2006.
- To support the transition from an agriculture that heavily depends on fossil energy and chemical inputs, to an agriculture based on agro-ecology and improved local knowledge.
- To support the work of the UN Human Rights Council (HRC) and its special procedures, particularly the Special Rapporteur on the Right to Food, in investigating the role of the private sector in the current food crisis.
- To support the UN High Commissioner on Human Rights (UNHCHR) to commission Human Rights Impact Assessments on trade policies and agreements and on the role of speculation.
- Not to make any trade related recommendations without prior Human Rights Impact Assessment and broad consultation with CSOs in the affected countries. Under no circumstances shall trade liberalisation be a condition for international support for developing countries.
- To submit food aid and financial support for imports to human rights criteria in order to make sure that they do not endanger market access of local food producers.

Right to adequate food - not just a rhetoric ornament

To be free from hunger is a fundamental human right. The right to adequate food is enshrined in Article 25 of the Universal Declaration of Human Rights, in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and in other binding international treaties. We welcome that this fact is recognized in the CFA.

Unfortunately, a closer look reveals that the references of the CFA to the right to food are merely of a rhetorical nature. In its concrete analyses and recommendations on issues like social protection, the promotion of smallholder farming, development cooperation and trade, the HLTF ignores important aspects and obligations related to the right to food, as laid down in the General Comment N° 12 of the UN Committee on Economic, Social and Cultural Rights. In particular, no reference is made to legal or other remedies for victims of violations of the right to food. Other important human rights principles, like accountability, non-discrimination, participation and empowerment, are

not given due attention either. The CFA does not address existing power relations in society, including gender relations.

To realize the right to food for all is neither identified as an overall goal of the CFA, nor as an obligation of the international community and the members of the HLTF itself. It thereby ignores that the UN General Assembly, in its resolution 60/165 of December 2005, invited “all relevant international organisations, including the World Bank and the International Monetary Fund, to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food.” In its recommendations on “global information and monitoring systems” the CFA lacks any reference to the right to food and related obligations or indicators, but rather focuses attention on whether states have followed the recommendations of the CFA. The CFA does not make any suggestion as to how HLTF members can ensure that their actions are compatible with the human right to food.

It is especially worrisome that the CFA fails to recognize hungry people as rights holders. The protests of social movements against policies and actions that create hunger are legitimate to claim the realization of the human right to food. In fact, the HLTF expresses “particular concern” about “organized political or criminal groups ready to harness popular frustrations into a challenge against the state and its authority”. Such statements pave the way for the criminalisation of social movements and for further human rights violations. According to a report presented by the Special Representative of the General Secretary on Human Rights Defenders in 2007, human rights defenders working on land rights and natural resources are the second most vulnerable group in danger of being killed because of their work. The most vulnerable group are defenders of labour rights. It is incomprehensible that the CFA addresses neither the existence of modern slavery in agriculture nor the fact that millions go hungry because they do not earn a living wage.

The lack of attention to the principle of participation is a general problem of the CFA and the HLTF. The CFA, according to its authors, reflects the consensus between its member organisations, most of them being IGOs where governments make the decisions. However, the staff members of these organisations have not been elected democratically by the people. Even the governments who are supposed to govern the UN organisations have not been involved in the decision on the content of the CFA, let alone parliaments or CSOs of the member countries. Social movements that represent victims of violations of the right to food have not been involved in the formulation of the CFA. All in all, these shortcomings raise serious doubts on the legitimacy of such a document, which is meant to guide the reaction of the international community to the food crisis. If the CFA is implemented, it will have serious impacts on national policies and national budgets. Worldwide, CSOs are struggling to ensure that national policies and budgets will be democratically legitimised and subjected to a human rights impact assessment. The HLTF is undermining these efforts.

We welcome that the CFA puts significant emphasis on the promotion of safety nets and social protection systems in order to combat hunger. Among other measures, the CFA,

in the short run, recommends school feeding programs, as well as the adjustment of pensions and social protections programmes with regards to soaring food prices. In the long run, it recommends designing and implementing social protection policies and programs, to move towards more efficient programs and to identify alternatives to unconditional assistance.

Many proposals made are well known and point in the right direction, but are nevertheless fundamentally flawed. Their main problem is that they neither see the victims of hunger and undernourishment as rights holders, nor the nation state and donor community as duty holders. To the contrary - the CFA displays considerable mistrust in the “legitimacy” of many of the hungry and malnourished to receive transfers. In footnote 12, the CFA is quick to assure the reader that “the right to food is not the right to be fed.” And that “only if an individual is unable, for reasons beyond his or her control, to provide for themselves, does the State have obligations to provide food or the means to purchase it.” Even though these phrases are formally correct, they are misplaced in the context of the ongoing global food crisis which manifested itself in undernourishment (taking the lives of 25,000 persons per day) even before the current “food crisis” arose. The victims of this ongoing crisis do not suffer hunger out of their own free will due to lack of will to work or religious beliefs. They are “unable to provide for themselves for reasons beyond their control”. The consequence is clear: the victims of both the current and permanent food crisis do have a right to have access to adequate food – and states are obligated to provide for each and every one of them.

Almost all current social transfer programmes in the countries affected by the food crisis are not meant to fulfil rights of the recipients. Many, if not most, social protection programmes are far too complicated to lend themselves to a rights-based implementation. In Sub-Saharan Africa, India and rural China, where the large majority of the victims live, such programmes are either absent (Africa), function badly or very badly. What is in place in Africa is a huge number of diverse foreign initiated pilot projects run by private or IGO initiatives, while reliable long term international transfers into central programmes (which are imperative for Africa) are absent. In India, starvation deaths continue due to an inappropriate social protection system despite the Supreme Court’s efforts. In China, rural minimum income programmes were only introduced a few years ago and are completely inadequate, both financially and administratively. In all of these cases, coverage of the rights holders and the size of transfers are entirely insufficient.

While the CFA avoids the human rights question of reaching each and every victim of hunger and undernourishment and how this process can be institutionalized, it shows great concern when it comes to targeting, efficiency, inclusion errors and conditionality: “Systems should be able to allow for regular beneficiary screening” and “... should be able to filter out those who have graduated beyond the eligibility threshold”. Experience has shown that such minimalist approaches do not allow for effective programmes implementing human rights, even if “expanded”. Correct selection, precise means and “filtering out” sound nice in theory, but remain an illusion in those places where most victims live. In reality, the introduction of such complexities tends to exclude many rights holders and sacrifices effectiveness to the altar of efficiency, while at the same time

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reinforcing power relations in society. Universal programmes or basic income programmes, which would avoid such pitfalls and still provide reasonably targeted cash transfers without selection are not even mentioned.

To “identify alternatives to unconditional assistance” is number three of the four proposed actions regarding social systems in the CFA – after expansion and efficiency. According to the CFA cash transfers, for example, should best be given to hungry people in exchange for the fulfilment of specific conditions, as is the case in food for work programs. In reality there is nothing wrong with unconditional assistance. When it comes to fundamental transfers to guarantee a minimum food income, transfers have to be unconditional as the human right to food is unconditional. The proposal of conditional cash transfers usually brought forward by the World Bank, displays the same mistrust against the poor as does the proposal of narrow targeting. It is scandalous to impose that even the poorest have to “pay” in one way or the other for transfers which are a matter of life or death for them. Such arguments deny the human right to food.

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Promotion of Smallholder Farmers – not without addressing unequal structures

For a long time, the eminent role of smallholder farmers with regards to food security has been largely ignored by the international community. We appreciate that the CFA, like other recent reports made by international organisations, has put emphasis on the need to increase support mainly for smallholder farmers in order to overcome the food crisis. For the HLTF, the current food crisis offers a “particular opportunity to dramatically increase smallholder productivity and production.” Public investments, while generally supporting an enabling environment for farms of all sizes, are seen as particularly important to provide a “level playing field” for smallholders to realize their comparative advantages in agricultural production. The CFA suggests well-targeted interventions to ensure access to agricultural inputs (e.g. seeds, fertilizers), rehabilitation of infrastructure, and methods to decrease post harvest losses. This would boost yields and increase rural household welfare as well as aggregate local food supply. In addition, the CFA proposes significantly increased investments in agricultural technology research and infrastructure, as well as policies to boost and sustain the productivity of smallholder farmers with due attention to environmentally sustainable practices (e.g. conservation agriculture, and water and soil conservation).

The main problem is, however, that it is not clear how the HLTF aims to ensure that the recommended actions really benefit the smallholder farmers. This shortfall becomes obvious in the confusing definition of the private sector. As a general statement, the CFA claims that the private sector “has become the driving force for agriculture and rural growth”. However it is not clear what is meant by private sector. On the one hand “smallholder producers represent a large part of the private sector”. On the other hand “the private sector faces many risks when dealing with smallholders”. Experience shows that while governments and international organisations have often emphasized their intention to support mainly small farmers, this group has, in reality, been heavily discriminated against and neglected to the benefit of large and commercial farms. The CFA does not explicitly address this discrimination and social exclusion but suggests that general support of agriculture will automatically increase smallholder productivity and production and enable smallholders to realise their comparative advantage. The CFA neither addresses land conflicts between large-scale and small-scale farming nor the threats that small farmers are facing when large-scale commercial farming is expanded.

In fact, land and water, the most important agricultural inputs, are almost totally left out of the CFA. The land issue is briefly mentioned in connection with agricultural land loss

due to urbanization and the shift of land use to non-agricultural uses. It also mentions that 85 percent of farms measure less than two hectares, and the average farm size is getting smaller. What it is not mentioned is that there is a worldwide process of land grabbing and massive, violent dispossession of rural communities due to heavy investments in extractive industries, tourism, big infrastructure projects like dams, airports, highways, etc, industrial development projects and last but not least agrofuels. Widespread, forced evictions of rural communities documented by human rights organizations clearly indicate that land tenure insecurity is one of the most urgent issues to be tackled in order to immediately secure the livelihoods of the rural population. In reality, not only is the average size of land decreasing, but of equal concern is the growing concentration of access to and control over land and water in a few hands, a problem which is totally omitted by the HLTF.

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The CFA does not recommend any actions to secure land and water rights of the marginalized, nor does it recommend solutions for those peasants who already lack access to land, a group which constitutes approximately one quarter of the hungry people worldwide. Landlessness is not a problem for Internally Displaced People (IDP) only, as is suggested by the CFA. Highly unequal distribution patterns of land ownership remain a historical problem in several regions of the world, mainly in Latin America, Southern Africa, and South East Asia. This can only be solved through comprehensive and redistributive agrarian reforms. In reality, however, trends towards the (re)concentration of land and the reversal of agrarian reform processes can be clearly observed in regions of the world where there used to be more egalitarian access to land, such as China, some federal states of India, and countries in West Africa. The proposal of giving landless, rural people access to small cultivation plots for market or kitchen gardens, as stated in the CFA, reveals the unwillingness of HLTF to address structural economic injustices behind the food crisis as manifested by the unequal distribution of land.

One of the main reasons why smallholder farmers are currently unable to benefit from increased commodity prices is the unjust distribution of natural resources like land and water and the control of the whole supply chain by a few companies, who were able to increase their profits considerably over the last year. It is therefore highly problematic that the CFA does not discuss the role of the private sector and the increasing concentration throughout the whole food supply chain - from the production, trade, and processing, to the marketing and retailing of food. According to a report by the former Special Rapporteur on the Right to Food, just 10 corporations (which include Aventis, Monsanto, Pioneer and Syngenta) control one-third of the commercial seed market and 80 percent of the pesticide market. Monsanto alone controls 91 percent of the global market for genetically modified seed. Another 10 corporations, including Cargill, control 57 percent of the total sales of the world's leading 30 retailers and account for 37 percent of the revenues earned by the world's top 100 food and beverage companies. Given growing corporate control in the agribusiness, and food and water sectors, the Sub-Commission on the Promotion and Protection of Human Rights stated that "the global reach of TNCs is not matched by a coherent global system of accountability". This lack of accountability is also manifested in the current practice of international financial institutions (IFI) like the World Bank's International Finance Corporation (IFC). In the fiscal year ending June 30, 2008, IFC's investments across the agribusiness value chain—from farm to retail store—exceeded \$1.3 billion. The IFC has so far resisted reporting on development impact of individual projects. In addition, there is no accountability for what is being financed by intermediaries and its impact on the human

right to food. It is naïve to believe that the global food crisis can be solved without addressing this heavy concentration of market power and injustice as well as the role of public and private finance.

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“Free Trade” is not “Fair Trade”

The CFA asserts that the price hikes for agricultural commodities will increase the global food bill to 1,035 billion USD in 2008, 215 billion USD more than in 2007. At the same time the food bill for Low-Income Food-Deficit Countries (LIFDC) is expected to soar by 40 percent. The HLTF fears that the food crisis, balance of payment problems and social unrest caused by this development might undermine general confidence of countries in stable prices, as well as their ability to purchase food on international markets in the future: “This could threaten continued progress toward a fair and equitable international trade system as countries consider refocusing on national food self sufficiency based solely in domestic production and stocks...”. The CFA stresses “the need for countries not to retreat from their commitment to more open and fair trade system”. As a result, the CFA proposes to rapidly complete the WTO Doha Round and to continue liberalisation policies at all levels: to reduce import tariffs, trade distorting subsidies and to minimize export restrictions. In order to mitigate the impact of soaring prices and to rebuild confidence in the international food markets, the HLTF recommends mobilizing external support for additional imports in the form of grant based humanitarian aid, official development assistance (ODA) or balance of payment support, mainly through the IMF and the WB, to develop regional and global mechanisms for food stock sharing, and to improve analysis and oversight of food commodity and futures markets.

Various statements in the CFA make it clear that, for the HLTF, “fair trade” equals “free trade”. In other words, the CFA uses open minded fair trade language in order to defend a dogmatic free trade approach. Although it recommends reviews of trade and taxation policies regarding their impact on different stakeholders, the outcome of the review obviously is not meant to question liberalisation. All trade related proposals, such as the reduction of import tariffs, subsidies and export restrictions, follow the same neo-liberal pattern. Although a possible negative impact on specific countries or sectors of societies is mentioned, the CFA fails to draw a conclusion and propose actions. There is not even a discussion under what circumstances the use of a specific instrument such as import tariffs is useful. The dogmatic approach is illustrated by the fact, for example, that the CFA recommends a reduction of tariffs even for agrofuels although it recognizes the negative impact of increased agrofuels production on food security.

Evidence of numerous studies shows that tariff reduction, among other factors, has often caused import surges of food and thereby heavily reduced local market access, incomes and food security of smallholder farmers. For example, in the cases of rice farmers in Ghana, Honduras and Indonesia, as well as tomato and chicken farmers in Ghana, the right to food has clearly been violated through the reduction of import protection and support to small producers. While tariff reductions might be appropriate as a temporary measure to secure necessary food imports in LDCs in times of soaring food prices, it is usually not an adequate strategy for food security and the realisation of the right to food in the long run. Further trade liberalisation would rather increase imports and thereby suffocate current efforts to revive domestic and smallholder led food production. It would also increase import dependency of poor countries and make them even more vulnerable to price fluctuations in the international markets. The increased volatility of prices is demonstrated by the recent decline in prices for food staples. For the same

reason, the proposed increase of food aid, and the support for additional imports through ODA or balance of payment is a double edged strategy. On the one hand, these measures can be necessary, in the short run, to compensate LDCs for budget losses, to stabilize domestic food prices and to bridge supply shortage. On the other hand, they

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bear the risk of being misused as instruments of dumping, create a very negative impact on the farming sector and threaten domestic food supply in the long run, as was also experienced with monetized food aid.

Export restrictions appear to be heavily overestimated as a factor for the price hikes. In most cases, export restrictions were introduced as a reaction to price increases. At least in some cases this measure was taken in a legitimate endeavour to avoid excessive exports of staple foods, which would have led to food price hikes on the domestic market and threatened the right to food of consumers in their own countries. Additionally, one must consider that export taxes can be an important source of income for the state, with an increasing importance in times of high food and energy import bills. Although export restriction can have, and certainly have had, a negative impact on the supply in international markets, they should always be judged in a differentiated manner and depending on the specific context. The prohibition of export restrictions within the framework of the WTO or regional or bilateral trade agreements would substantially undermine states' ability to protect and fulfil the human right to food of their populations and must therefore be rejected.

Altogether, the trade related recommendations of the CFA are totally unacceptable from the right to food perspective. The HLTF, in a dogmatic and undifferentiated manner, recommends and announces lobbying for trade liberalisation as a means of hunger reduction. By doing so, the UN and Bretton Woods agencies would even contribute to violations of the right to food instead of preventing them. We remind the international community that the UN Human Rights Council, on March 26, 2008 urged "that all States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries". To respect and protect the right to food in trade policies is an obligation not only of individual states but of intergovernmental organisations as well.

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Recommendations from a Right to Food Perspective

Based on this analysis of the CFA and 20 years of experience in the struggle for the human right to food, FIAN recommends the following to the UN organisations involved in the HLTF:

On Human Rights mechanisms and principles:

- HLTF members have to enable a broad consultation on the CFA involving the social groups most affected by the food crisis, prior to any implementation. The identification of the causes of the food crisis, the definition of public policies and programs needed to realize the right to food, and their implementation at the international and national level, must involve, from the start, all sectors of civil society, and national human rights organizations. Prior to such a broad based consultation process, the CFA should not be used as a reference document for food policies.

- The implementation process, at the national and international level, should be monitored from a human rights perspective. This monitoring must equally involve all relevant sectors of the society, especially those affected by the food crisis. The results of monitoring should be reported to the HRC and to the HLTF.
- HLTF members must respect the role of social movements in defending the Right to Food and in policy formulation. They should counter any attempts by state and private actors which aim to criminalise social movements. Social movements and other CSOs must, in a meaningful manner, be involved in the formulation of any strategy to overcome the food crisis and to realize the right to food.
- The members of the HLTF should assess the impact of their current policies and activities on the human right to food and report, on an annual basis, to the UN Human Rights Council. The UN Special Rapporteur on the Right to Food, the Office of the High Commissioner for Human Rights and CSOs should be encouraged to comment on these reports. Specialized agencies of the UN should also be required to report on their contribution to implement the right to food in individual countries as part of reporting by states under the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Right of the Child (CRC) and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The same applies to donor countries in their reporting to treaty bodies and under the Universal Periodic Review (UPR) procedure of the Human Rights Council.
- The International Finance Corporation (IFC), the World Bank and other International Finance Institutions (IFIs) which directly support private investments in agriculture and extractive industries should introduce reporting on development impacts of their activities on a project by project level, giving special attention to the right to food and the right to just and favourable working conditions. IFIs providing funding to financial intermediaries, that in turn provide financial services to agriculture, should request these intermediaries to report on the impact of the right to food.

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- Monitoring should aim to assess state compliance with its obligations under national and international law to respect, protect and fulfil the right to food. Special attention needs to be given to the effects on international cooperation and trade and investment agreements on the ability of states to comply with obligations. Monitoring of the Right to Food should be conducted by national human rights institutions and the FAO. The FAO and the OHCHR should assist states in reporting to HR treaty bodies and regional HR systems.

On social security systems:

- HLTF members have to make sure that their work on social transfers is hereto on based on human rights, in particular economic, social and cultural rights. Victims are not to be considered (only) as “stake holders”, but as the crucial rights holders. HLTF members should therefore stop propagating conditional cash transfers as experience has shown that they do not guarantee access for all those in need.
- HLTF members should instead promote the introduction of nation wide food indexed social cash transfers in all countries affected by the food crisis. They should propagate pilot projects on universal social cash transfers and invite the UN High

Commissioner on Human Rights (UNHCHR) to commission empirical studies on the human rights aspects of such universal income transfers (basic income), other social cash transfers and on food transfers as a means to guarantee access to food even in the light of rising food prices. In addition, HTLF members should give special attention to the fact that those who are hungry, their organisations, support groups as well as NGOs must have access to institutional mechanisms allowing them to enforce states' obligations.

On the promotion of smallholder farmers:

- HLTF members should support peasants, small farmers, indigenous peoples, fisherfolk and other food producing rural communities demanding Food Sovereignty as a way to realize the human right to adequate food. At the core of this proposal is the peoples' right to participate in decision making and define their own food, agriculture, livestock and fisheries systems vis-à-vis the dictates of a food system increasingly controlled by a few corporations. The HLTF should also cooperate with national and international human rights institutions in order to promote policies and institution building that will strengthen the legal position of the hungry and make the right to food a legally enforceable right.
- Specialized agencies of the UN, like the FAO, should, in consultation with the affected groups, including women's rights groups, identify immediate measures to protect rural communities' access to land and natural resources; and should assist governments in implementing these measures. Increased attention should be given to the realization of the right to just and favourable conditions of work in the promotion of agricultural production as well as to the proscription of modern slavery.
- Agrofuels production must not harm the enjoyment of human rights. Any discussion about standards for sustainable agrofuel production must take into account the
16 obligations of States and of the community of states under the main human rights treaties and the relevant ILO conventions as well. A moratorium on agrofuels production should be considered to allow time for regulatory structures to be put in place to safeguard economic, social and environmental rights.
- The HLTF should endorse the Final Declaration of the International Conference on Agrarian Reform and Rural Development (ICARRD) in 2006 and contribute to implement the principles adopted therein.
- The Human Rights Council, as well as HLTF members, should encourage states to subject all new large-scale development projects to a human rights assessment following the "Basic principles and guidelines on development-based evictions and displacement" as submitted to the UN Commission for Human Rights by the then UN Special Rapporteur on the Human Right to Housing, Miloon Kothari, in 2006. HLTF should emphasise the right of indigenous communities to free prior and informed consent as a condition for mining, agriculture, energy and infrastructure development on their territories (as guaranteed under ILO 169 and emphasised by the UN General Assembly in its 2007 Declaration on the Rights of Indigenous Peoples), especially in the context of the promotion of private investment in agriculture.
- HLTF members should identify how the transition from agriculture heavily dependent on fossil energy and chemical inputs to agriculture based on agro-ecology and

improved local knowledge could be hastened.

- HLTF members should support the work of the UN Human Rights Council and its special procedures, particularly the work of the Special Rapporteur on the Right to Food, in investigating the role of the private sector in the current food crisis.

On international trade and food aid:

- The HLTF members should support the UN High Commissioner on Human Rights (UNHCHR) in conducting empirical studies on the impact of specific trade policies and speculation on international commodity markets on the right to food of different stakeholders in countries most affected by the food crisis. These studies should be undertaken by independent researchers with due attention to related studies of civil society organisations.
- The HLTF members should refrain from making any trade related recommendations without prior Human Rights Impact Assessment. These studies should be discussed with the governments and a broad range of CSOs in the affected countries. In a broad consultation process, trade related proposals should be developed on how to overcome the food crisis and to protect and fulfil the right to food. Under no circumstances shall trade liberalisation be a condition for international support to developing countries to overcome the food crisis. IFI must never limit the policy space of governments to adopt trade and agriculture policies that are necessary to realize the right to food.
- Any increase of food aid and financial support for imports should be applied with great caution, follow strict criteria and be monitored by independent bodies including UN organisations and civil society organisations. It must be assured that these
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imports never undermine market access by domestic smallholder farmers or threaten the current efforts of reviving domestic food production.

September 23, 2008

P.S.

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* [fian fian.org](http://fian.fian.org), www.fian.org