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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Human Rights Advocates Inc. (HRA), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Food Sovereignty: A Policy for the Progressive Realization of the Right to Food

1. Human Rights Advocates (HRA) continues its work on the right to food with a specific focus on the importance of food sovereignty and the potential negative impact of food aid on food sovereignty in recipient States.

2. It is universally acknowledged that the right to food is a fundamental human right. The right to food was first acknowledged in the Universal Declaration of Human Rights (Article 25), and later codified in the International Covenant on Economic, Social and Cultural Rights (Article 11). General Comment 12 notes that the right to food is “linked to the inherent dignity of the human person,”¹ nonetheless the Food and Agricultural Organization reports that more than one billion people are hungry and undernourished worldwide.²

3. The concept of “food sovereignty” enables the realization of the right to food. The underlying principles of food sovereignty include the “right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods” in addition to the right of each nation or people to define their own agricultural and food policies.³ Food sovereignty “puts the aspirations and needs of those who produce, distribute, and consume food at the heart of the food systems and policies rather than the demands of markets and corporations.”⁴

4. The General Assembly included language on food sovereignty in its 2008 Resolution:

- “Notes the need to further examine various concepts such as, inter alia, ‘food sovereignty’ and their relation with food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times.”⁵
- The Cordoba Declaration on the Right to Food and the Governance of the Global Food and Agricultural Systems also adheres to the core principles of food sovereignty.⁶ It calls on States to “revise policies and practices to guarantee that the food insecure and vulnerable groups in their society can feed themselves directly from productive land or other natural resources.”⁷

¹ Committee on Economic, Cultural, and Social Rights, General Comment 12, E/C.12/1995/5 at para. 4. (12 May 1999)

² The State of Food Insecurity in the World, Food and Agriculture Association of the UN, Rome, 2009 at p. 4, available at: <http://docustore.wfp.org/stellent/groups/public/documents/newsroom/wfp209430.pdf>

³ Nyeleni Declaration, <http://www.landaction.org/spip/spip.php?article37>

⁴ Id.

⁵ Resolution adopted by the General Assembly on the right to food, A/RES/63/187 at para. 15. (18 December 2008)

⁶ Cordoba Declaration on the Right to Food and the Governance of the Global Food and Agricultural Systems, Pursued at the Food Forum organized by the FAO Right to Food Unit in October 2008 (10 December 2008), available at: <http://www.fian.org/resources/documents/others/the-cordoba-declaration/pdf>

⁷ Id.

5. The framework of food sovereignty is related to the three levels of obligations of States according to the Committee on Economic, Social, and Cultural Rights.⁸ First, States' obligation to respect existing access to adequate food means that States cannot take any measure that results in preventing access to food. The principles of food sovereignty are in congruence with this right since they focus on the right to sufficient and appropriate food for all and value food providers such as small-scale farmers and peasants.⁹ Second, food sovereignty encompasses the notion that people have the exclusive right to protect and regulate production in internal and external commerce. This is directly related to the second obligation States have: the obligation to protect the right to adequate food. Third, States parties have the obligation to fulfill, which is tied in with the very core of food sovereignty: engaging in activities intended to ensure people's livelihood and ability to feed themselves.

6. The FAO Voluntary Guidelines, whose purpose is to provide guidance to States in their implementation of the realization of the right to adequate food in the context of food security, support food sovereignty. Guideline 15, which addresses international food aid, dictates donor States provide food aid in such a way that takes food safety into account and does not disrupt local food production. It also states that "donor States should ensure that their food aid policies support national efforts by recipient States to achieve food security ... targeting especially food insecure and vulnerable groups."¹⁰

7. In his 2009 report on the right to food, the Special Rapporteur highlighted that States are required to comply with human rights principles when providing food aid, despite aid being a voluntary commitment.¹¹

8. The Food Aid Convention (FAC), a separate legal instrument of the International Grains Council, also adheres to the spirit of the FAO Guidelines. The purpose of the FAC is to "contribute to world food security and to improve the ability of the international community to respond to emergency food situations and other food needs of developing countries."¹² The FAC highlights the importance of evaluating the needs of recipient countries when providing food aid and using a needs-based approach as a means to enhance food security in recipient countries.¹³

9. In an effort to ensure that aid is needs-based, the Special Rapporteur, has encouraged the international community to ask, "For whose benefit?" in order to analyze whether food aid is actually benefitting its intended recipients.¹⁴

10. The FAO Guidelines are clear as to action donor States should take in providing food assistance, which is in accordance with States' obligations to respect, protect, and fulfill with respect to the right of food. However, the failure of States to act in accordance with FAO Guidelines and Members of the FAC to adhere to its principles results in the threat to food sovereignty in recipient countries.

11. If food aid is going to be used as a tool to achieve the realization of the right to adequate food, it must be provided in a way that does not undermine local food production

⁸ Committee on Economic, Cultural, and Social Rights, General Comment 12, E/C.12/1995/5 at para. 15. (12 May 1999)

⁹ Defending African Peasants' Rights, FoodFirst Information and Action Network (FIAN) (2009 November) at p. 21.

¹⁰ FAO Voluntary Guidelines, 15.1.

¹¹ Report of the Special Rapporteur on the right to food, A/HRC/10/5, at para. 41 (11 February 2009)

¹² Food Aid Convention, Article 1

¹³ Food Aid Convention, Article VIII.

¹⁴ Report of the Special Rapporteur on the right to food, A/HRC/9/23 at para. 39. (8 September 2008)

and local markets.¹⁵ Food aid should have the goal of lessening, not strengthening, dependency on donor States. One example where it is reported that food aid undermined local production in a recipient country is Haiti. Thirty years ago Haiti grew all the rice it needed, however, local rice farmers could not compete with highly subsidized rice and other grains from the United States that flooded the Haitian market.¹⁶ U.S. food aid to Haiti, which is laced with conditionalities, ends up only benefitting U.S. corporate interests.¹⁷

12. Food aid has also undermined food sovereignty in African countries. In Kenya, for example, it has been reported that heavily subsidized American farm products, which are donated to charity organizations, are then sold on the market, which compete with the crops of struggling local farmers.¹⁸ The practice of “dumping” food from a surplus country to a deficit one does not meet a State’s obligation to fulfill the right to food.¹⁹

13. Practices where food aid directly results in the threat of the donor country’s economy and ability to produce its own food, act against food sovereignty and the realization of the right to food for all. The Council has stressed that “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.”²⁰

14. “Land grabbing” is another practice which undermines food sovereignty. The land grab trend continues through the concerted actions of public and private actors implementing policies and investment strategies aimed at snatching up foreign farmlands for export-oriented agriculture. This massive-scale food outsourcing results in the perpetuation of industrialized agriculture, environmental degradation, and the displacement of small-hold farmers and indigenous peoples.²¹

15. The detrimental effects of land grabbing are felt by the impoverished people of target nations who give up control to substantial amounts of fertile land and who are food insecure themselves. In his most recent Report on the right to food, the Special Rapporteur addressed the special needs of smallholders and identified them as “the single most important group of those who are food insecure in the world today.”²² Therefore, the acquisition of large-scale lands through purchase or lease can undermine food sovereignty.

16. Supporting food sovereignty as a sustainable solution to achieving the right to food for all is akin to supporting a human rights approach to the right to food. In his February 2009 report to the Human Rights Council on the right to food, the Special Rapporteur argued that a human rights framework for food aid should be adopted since it would improve the quality of aid, and therefore contribute to the realization of the right to food. When food assistance is given without following a human rights framework and the FAO

¹⁵ Committee on Economic, Cultural, and Social Rights, General Comment 12, E/C.12/1999/5 at para. 39 (12 May 1999)

¹⁶ 30 Years Ago Haiti Grew All the Rice It Needed. What Happened? The US Role in Haiti’s Food Riots, Bill Quigley (21 April 2008), available at: <http://www.counterpunch.org/quigley04212008.html>

¹⁷ Haitian Food Riots Unnerving But Not Surprising, Mark Schuller (29 April 2008), available at: <http://www.worldpress.org/Americas/3131.cfm>

¹⁸ CARE Turns Down Federal Funds for Food Aid, Celia W. Dugger (16 August 2007), available at: http://www.nytimes.com/2007/08/16/world/africa/16food.html?_r=1

¹⁹ Food Aid or Hidden Dumping?, Oxfam International (2005 March), available at: <http://www.farmingsolutions.org/pdfdb/oxfamreportUS.pdf>

²⁰ Resolution on the right to food, A/HRC/RES/10/12 at para. 20 (26 March 2009)

²¹ Land Grabbing for Food Outsourcing: A Rising Threat to the Right to Food, Human Rights Advocates, A/HRC/10/NGO/45, at paras. 4 and 6. (25 February 2009)

²² Report of the Special Rapporteur on the right to food, A/HRC/13/33 at para. 28 (22 December 2009)

Guidelines, food security and sovereignty are inevitably undermined. Furthermore, the land grab trend must be recognized as a threat to food sovereignty, and thus to the sustainable realization of the right to food for all.

17. HRA's Recommendations to the Council:

- Recognize the relationship between food sovereignty, food production, sustainable agriculture, food security, and the right to adequate food.²³
- Emphasize that food aid should achieve food security, not undermine it.

18. HRA Calls on Member States to:

- Implement obligations with respect to international food aid according to the FAO Guidelines.
 - Respond urgently to the SR's latest report on the right to food in order to assure adequate participation by small-hold farmers and peasant groups in developing national food security strategies.²⁴
 - Change trade, agricultural, and development policies with respect to developing countries, in order to protect the human rights of some of the most vulnerable groups such as small-scale farmers.
 - Cease large-scale land acquisitions or leases, which undermine food security and the rights of local farmers.
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²³ Cordoba Declaration on the Right to Food and the Governance of the Global Food and Agricultural Systems, *supra*, note 5.

²⁴ Report of the Special Rapporteur on the right to food, A/HRC/13/33. (22 December 2009)