



# General Assembly

Distr.: General  
27 July 2021

Original: English

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## Seventy-sixth session

Item 75 (b) of the provisional agenda\*

**Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

## The right to food

### Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the right to food, Michael Fakhri, in accordance with Assembly resolution [75/179](#).

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\* [A/76/150](#).



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## **Interim report of the Special Rapporteur on the right to food, Michael Fakhri**

### *Summary*

In his report, focused on food systems, the Special Rapporteur on the right to food observes that, even though the 2021 Food System Summit has elevated public discussion concerning food systems reform, sufficient attention has not been paid to structural challenges facing the world's food systems. The Summit's multi-stakeholder approach, driven by the private sector, has fallen short of multilateral inclusiveness and has led to the marginalization of some countries. In a break from past practice, the Summit process has not provided an autonomous and meaningful space for participation by communities and civil society, with the risk of leaving behind the very population critical for the Summit's success. In the report, the Special Rapporteur warns against building new forms of governance from the Summit's outcomes and recommends a set of questions for assessing the outcomes through a human rights framework.

## I. Introduction

1. On 16 October 2019, World Food Day, the Secretary-General announced that he would convene a food systems summit in 2021.<sup>1</sup> Little did the Secretary-General know that, a few months after his announcement, the SARS-CoV-2 virus would emerge and strike the world. Most Governments and businesses failed to respond fast enough, pushing people everywhere into a crisis of care.<sup>2</sup> More specifically, some essential food workers and producers have been treated as expendable and are forced to work under conditions that endanger their health and life.<sup>3</sup>

2. The Special Rapporteur has tracked the pandemic and ensuing food crisis in his previous two reports.<sup>4</sup> In the present report, he provides an assessment of the Food Systems Summit process to date, just prior to the pre-Summit, held in Rome from 26 to 28 July 2021. The Summit is set to be held in New York in September 2021, but no final date has been announced.

3. The Special Rapporteur holds a unique position as a member of the Food Systems Summit integrating team and the Advisory Group of the Committee on World Food Security. Because of the scope of his mandate, he has been privy to and at times the centre-point for the main conversations and debates within and surrounding the Summit. The Special Rapporteur also called for input<sup>5</sup> and surveyed the Summit integrating team. The present report is thus based on scores of formal and informal consultations with Member States, United Nations agencies, civil society organizations, private sector representatives, academics and other stakeholders, as well as information and reports received.

4. While the focus of the Food Systems Summit was on exploring solutions, it has not provided a coherent explanation of the problems facing the world's food systems, nor has it addressed the impact of coronavirus disease (COVID-19) on the right to food. The Summit process omitted proposals tackling two fundamental areas: corporate power and trade policy. The present report begins with an explanation of how and why the world's food systems undermine human rights, exacerbate inequalities, threaten biodiversity and contribute to climate change. In his report, the Special Rapporteur focuses on the rise of corporate power in food systems and the legal rules, institutions and decisions that have enabled the unprecedented expansion of corporate power. Building on his first report to the General Assembly,<sup>6</sup> the Special Rapporteur explains how trade is a key element of the global governance of food and provides guidance on how a focus on territorial markets can enact a right to food trade agenda.

## II. Food systems science and policy

### A. Coronavirus disease and the global food crisis

5. While effective vaccines for the COVID-19 have been developed, vaccine distribution has been administered on a discriminatory basis, primarily benefiting rich

<sup>1</sup> See <https://news.un.org/en/story/2019/10/1049361>.

<sup>2</sup> See [www.csm4cfs.org/wp-content/uploads/2020/10/NEW\\_Gender-COVID-19-and-Food-Systems-October-2020\\_compressed.pdf](http://www.csm4cfs.org/wp-content/uploads/2020/10/NEW_Gender-COVID-19-and-Food-Systems-October-2020_compressed.pdf).

<sup>3</sup> See Working Group on Global Food Governance of the Civil Society and Indigenous Peoples' Mechanism, *Voices from the Ground: from COVID-19 to Radical Transformation of our Food Systems* (Food and Agriculture Organization of the United Nations (FAO), October 2020).

<sup>4</sup> A/75/219; A/HRC/46/33.

<sup>5</sup> See [www.ohchr.org/EN/Issues/Food/Pages/cfi-food-systems.aspx](http://www.ohchr.org/EN/Issues/Food/Pages/cfi-food-systems.aspx).

<sup>6</sup> A/75/219.

countries and intellectual property rights holders.<sup>7</sup> This has locked in patterns of inequities within and among Member States.<sup>8</sup>

6. The current food crisis is an international problem. It has not only affected food availability and accessibility but also impacted a range of other rights, including the right to work, just and favourable conditions of work, health and social protection. The world was falling behind on fully realizing the right to food even before the current pandemic and things are now worse. If statistics provide any guidance, in 2020 the number of people who did not have access to adequate food rose by 320 million to 2.4 billion – nearly a third of the world’s population. The increase is equivalent to that of the previous five years combined. Some 720–811 million people faced hunger in 2020, an annual increase in the range of 70–161 million. Approximately 660 million people may still face hunger in 2030, in part due to lasting effects of the pandemic on food security, in particular because of the lack of access to adequate food.<sup>9</sup> Today, 41 million people in 43 countries are at risk of famine, up from 27 million in 2019.<sup>10</sup> In addition, social distancing and movement restrictions weakened supply chains; this also caused mass job losses in the formal and informal sectors of the economy, limiting food availability for most but in particular in the poorest households. Global unemployment is expected to stand at 205 million people in 2022, greatly surpassing the 2019 level of 187 million.<sup>11</sup> After a 12-month consecutive rise, in May 2020, global food prices surged to a decade high.<sup>12</sup>

7. Conflict, climate variability and extremes and economic slowdowns and downturns have widened existing inequities in the world’s food systems. Specific groups, including food producers and workers, women and children, have borne the brunt of the human rights impacts of the pandemic.

8. Most food producers in the world work on a small scale, and the pandemic is hitting them hard,<sup>13</sup> as their access to their territory has been limited and their access to markets to sell their food or buy supplies and equipment has been disrupted.<sup>14</sup> Food and agricultural workers, even before COVID-19, experienced the highest incidence of working poverty and food insecurity; and Governments’ and businesses’ lack of a coordinated response to the pandemic has made the global situation worse.<sup>15</sup>

9. Women are likely to be the first to go hungry, while also bearing the responsibility of feeding their families. They make up a significant proportion of informal workers or smallholder producers, who have been hit hardest by the economic fallout of COVID-19. Moreover, women often face discrimination in land

<sup>7</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27156&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27156&LangID=E).

<sup>8</sup> See [www.who.int/news/item/01-06-2021-new-50-billion-health-trade-and-finance-roadmap-to-end-the-pandemic-and-secure-a-global-recovery](http://www.who.int/news/item/01-06-2021-new-50-billion-health-trade-and-finance-roadmap-to-end-the-pandemic-and-secure-a-global-recovery).

<sup>9</sup> Food and Agriculture Organization of the United Nations (FAO), International Fund for Agricultural Development (IFAD), United Nations Children’s Fund (UNICEF), World Food Programme (WFP) and World Health Organization (WHO), *The State of Food Security and Nutrition in the World 2021* (Rome, FAO, 2021).

<sup>10</sup> See <https://news.un.org/en/story/2021/06/1094472>.

<sup>11</sup> International Labour Organization (ILO), *World Employment and Social Outlook Trends 2021* (Geneva, 2021), p. 13.

<sup>12</sup> See [www.fao.org/news/story/en/item/1403339/icode/](http://www.fao.org/news/story/en/item/1403339/icode/).

<sup>13</sup> See FAO, *The State of World Fisheries and Aquaculture 2020: Sustainability in Action* (FAO, Rome, 2020); Sarah K. Lowder, Marco V. Sánchez and Raffaele Bertini, “Which farms feed the world and has farmland become more concentrated?” *World Development*, vol. 142 (2021), 105455.

<sup>14</sup> Working Group on Global Food Governance, *Voices from the Ground* (see footnote 3).

<sup>15</sup> ILO, “COVID-19 and the impact on agriculture and food security”, ILO sectoral brief (17 April 2020).

and livestock ownership and in pay. Women's care work, paid and unpaid, has risen dramatically in recent months because of illness and school closures.<sup>16</sup>

10. During the past year of the pandemic, child labour around the world has increased to 160 million, the first rise in 20 years. The concern is that millions more will be soon pushed into work. Most child labour is concentrated in the agriculture sector, which accounts for 70 per cent of the global total.<sup>17</sup> The violation of children's rights stems from the fact that families are so poor that they are forced to put their children to work or provide them with poor diets leading to stunting or obesity. People are poor because their own rights are being violated: working conditions are detrimental to their health and safety, people are paid below the living wage, and they have insufficient social protection. In other words, children's rights are increasingly being violated because the underlying system is unjust to all workers. If we fulfil children's right to food through universal school meals all year round, this does not tackle the root cause of child labour and fulfil their family's human rights. However, it at least makes children, their families and their communities stronger.

## **B. Food systems, climate change and biodiversity: the problem of industrial intensification**

11. The underlying cause of the COVID-19 virus is still being investigated. Nevertheless, we do know that the spread of pathogens (in particular, zoonotic diseases) is exacerbated by pollution, ecological destruction, deforestation and the removal of protective ecological barriers.<sup>18</sup> Approximately 1 million animal and plant species are now threatened with extinction, many within decades.<sup>19</sup> Food systems also emit approximately one third of the world's greenhouse gases.<sup>20</sup> What has driven much of this damage has been intensive industrial agriculture (and export-oriented food policies).<sup>21</sup>

12. Intensive industrial agriculture relies on high-input, high-output agricultural systems, dominated by large-scale specialized farms. Ever since Governments started adopting the Green Revolution in the 1950s, the world's food systems have been increasingly designed along industrial models, the idea being that, if people are able to purchase industrial inputs – synthetic fertilizers, pesticides and carbon-reliant machines – then they can produce a large amount of food. Productivity was not measured in terms of human and environmental health, but exclusively in terms of commodity output and economic growth.<sup>22</sup> The productivity paradigm that has accompanied the Green Revolution has created food systems that disrupted carbon, nitrogen and phosphorous cycles because it requires farmers to depend on fossil fuel-

<sup>16</sup> See <https://oxfamlibrary.openrepository.com/bitstream/handle/10546/621023/mb-the-hunger-virus-090720-en.pdf>.

<sup>17</sup> See ILO and UNICEF, "Child Labour: Global estimates 2020, trends and the road forward" (New York, 2021).

<sup>18</sup> See Convention on Biological Diversity, United Nations Environment Programme and WHO, *Connecting Global Priorities: Biodiversity and Human Health: A State of Knowledge Review* (Geneva, 2015).

<sup>19</sup> Eduardo Brondizio, Sandra Diaz and Josef Settele, *Global Assessment Report on Biodiversity and Ecosystem Services* (Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, 2019); J. Bélanger and D. Pilling (eds.), *The State of the World's Biodiversity for Food and Agriculture* (Rome, FAO Commission on Genetic Resources for Food and Agriculture, 2019).

<sup>20</sup> See [www.fao.org/news/story/en/item/1379373/icode/](http://www.fao.org/news/story/en/item/1379373/icode/).

<sup>21</sup> See Bélanger, *The State of the World's Biodiversity for Food and Agriculture* (FAO, Commission on Genetic Resources for Food and Agriculture, 2019).

<sup>22</sup> Nadia Lambek, "The UN Committee on World Food Security's Break from the Agricultural Productivity Trap", *Transnational Legal Theory*, vol. 9, Nos. 3–4 (2018), p. 415.

based machines and chemical inputs, displacing long-standing regenerative and integrated farming practices. Industrial intensification was an extractive practice that unsettled the foundations of all ecosystems, leading to increased global rates of soil degradation and erosion and biodiversity loss.<sup>23</sup>

13. Scientific and traditional knowledge have provided indispensable insights into how the biodiversity and climate crises are interrelated, but lawmakers and policymakers have yet to appropriately respond. The fast-growing consensus is that we can no longer rely on paradigms that prioritize economic growth and standard economic indicators.<sup>24</sup> Despite a 300 per cent increase in global food production since the mid-1960s, malnutrition is a leading factor contributing to reduced life expectancy.<sup>25</sup> Even in strictly economic terms, what we learned from the 2007–2008 food crisis was that food prices are simultaneously too low for producers and too high for consumers, and prone to fluctuations.

14. Understanding food as part of a system may help give a better understanding of how things are going wrong. Food systems analysis was developed to examine how producing, processing, transporting and consuming food is connected and central to all aspects of life. For the most part, food systems analysis has provided a snapshot of how things work. It can also provide a way to track how most of the world's food systems reproduce inequalities and reinforce economic and political power.

15. Only recently have researchers started to account for people's ability to change the system in order to improve their own individual and social well-being.<sup>26</sup> That understanding of agency captures the dynamism of food systems and the complexity of how food is made, shared and eaten. Agency is also central to a human rights-based approach, since human rights start with the power that people already have. This includes people's right to organize themselves in order to fully participate in the making of their own food systems. People continually mobilize to fight against inequitable food systems and assert their human rights. In turn, States are obliged to respect, protect and fulfil everyone's rights.<sup>27</sup> One can therefore better understand how food systems are remade by listening to people when they assert their rights, bearing witness to when people's rights are violated and noting how those violations are remedied and when they are not.

16. Agroecology provides a strong response to the COVID-19 food crisis and long-standing food system failures. It is a way of producing food that ensures that communities and ecosystems flourish.<sup>28</sup> Agroecology starts with the question of power dynamics and frames the problem as an issue relating to access to knowledge, resources and control over the food system as underlying causes of food insecurity and malnutrition. Agroecology is a scientific discipline that includes experimental knowledge with a focus on the ecology of agricultural environments. It has proven to quickly lead to the tangible realization of the right to food.<sup>29</sup> Its primary goal is to

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<sup>23</sup> See [www.fao.org/about/meetings/soil-erosion-symposium/key-messages/en/](http://www.fao.org/about/meetings/soil-erosion-symposium/key-messages/en/).

<sup>24</sup> See Brondizio, *Global Assessment Report on Biodiversity and Ecosystem Services*.

<sup>25</sup> See [www.un.org/sg/en/content/sg/statement/2021-07-12/statement-the-secretary-general-the-food-systems-summit](http://www.un.org/sg/en/content/sg/statement/2021-07-12/statement-the-secretary-general-the-food-systems-summit).

<sup>26</sup> High-level Panel of Experts on Food Security and Nutrition, *Food Security and Nutrition: Building a Global Narrative towards 2030*, report (Rome, Committee on World Food Security, 2020).

<sup>27</sup> Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999) on the right to adequate food.

<sup>28</sup> See [www.fao.org/3/cb1000en/cb1000en.pdf](http://www.fao.org/3/cb1000en/cb1000en.pdf); Working Group on Global Food Governance, *Voices from the Ground* (see footnote 3); [www.fao.org/3/cb3114en/cb3114en.pdf](http://www.fao.org/3/cb3114en/cb3114en.pdf).

<sup>29</sup> See A/HRC/16/49.

mimic ecological processes and biological interactions as much as possible.<sup>30</sup> It relies heavily on experiential knowledge, more commonly described as traditional knowledge. New research suggests that if we calculate productivity in terms of per hectare and not for a single crop, and in terms of energy input versus output, agroecology is often more productive than intensive industrial techniques.<sup>31</sup>

### III. Political economy of food systems, law and corporate power

17. Industrialized agriculture and food production have been a breeding ground for pathogens. Meatpacking plants around the world have fostered the pandemic, spreading the virus to nearby communities owing to poor working conditions and environmental abuses.<sup>32</sup> By treating food like a commodity, industrialized agriculture has demanded greater biological homogenization. This is because the reduction of genetic diversity enables faster growing, harvesting or slaughtering and transportation. This is a form of monoculture that increases productivity through the simplification of nature, but it also creates ecological conditions that facilitate disease. By prioritizing efficiency, industrial agriculture drives a constant demand for more territory and large-scale monocrop farms which pollute land, air and water and debase animal life. It also encourages employers to prioritize profits over workers' rights and treat people like replaceable units.<sup>33</sup>

18. Industrial intensification was also designed to make farmers dependent on the expensive inputs provided by agrochemical companies. Four agrochemical companies control 60 per cent of the global seed market and 75 per cent of the global pesticides market.<sup>34</sup> Such market concentration means that a small number of companies will unfairly control the price of seeds. Any increase in seed prices will increase the cost of farming, making it harder for farmers to turn a profit. A higher input cost makes it harder for small farmers to access seeds. The "Big Four" seed companies also produce most of the agrochemicals associated with genetically modified seeds. Those agrochemicals reduce biodiversity, which lowers agricultural resilience, making farms more vulnerable to climate change shocks.<sup>35</sup> Law is an integral part of this process. Small-scale farmers are being encouraged to engage in "contract farming" as a way to access global markets and benefit from a more inclusive supply chain. However, the contracts usually benefit middle-purchasers throughout the supply chain

<sup>30</sup> See Miguel A. Altieri, "Agroecology: the science of natural resource management for poor farmers in marginal environments", *Agriculture, Ecosystems and Environment*, vol. 93, Nos. 1–3 (December 2002).

<sup>31</sup> See High-level Panel of Experts on Food Security and Nutrition, *Agroecological and other Innovative Approaches for Sustainable Agriculture and Food Systems that Enhance Food Security and Nutrition*, report (Rome, Committee on World Food Security, 2019); Rachel Bezner Kerr, and others, "Can agroecology improve food security and nutrition? A review", *Global Food Security*, vol. 29 (June 2021), 100540. See also Vincent Ricciardi and others, "Higher yields and more biodiversity on smaller farms", *Nature Sustainability* (2021).

<sup>32</sup> See Thin Lei Win, "'Elbow to elbow:' are working conditions in the global meat industry fostering pandemics?", Thomson Reuters Foundation, 12 June 2020.

<sup>33</sup> See Robert Knox and Ntina Tzouvala, "International law of State responsibility and COVID-19: An Ideology critique", *Australian Yearbook of International Law*, vol. 39 (2021, forthcoming).

<sup>34</sup> See International Panel of Experts on Sustainable Food Systems, "Too big to feed: exploring the impacts of mega-mergers, consolidation and concentration of power in the agri-food sector" (October 2017).

<sup>35</sup> See Jennifer Clapp and Joseph Purugganan, "Contextualizing corporate control in the agrifood and extractive sectors", *Globalizations*, vol. 17, No. 7 (2020).

and the final corporate buyer, leaving farmers and workers with inconsistent and often detrimental results, deepening inequality and dispossession.<sup>36</sup>

19. This high concentration of corporate power allows a relatively small group of people to shape markets and innovation in a way that serves the ultimate goal of shareholder profit maximization and not the public good.<sup>37</sup> Civil society has been gravely concerned at the fact that corporations also use their power to gain more influence in global governance.<sup>38</sup>

20. However, the underlying problem is that individuals use corporations to ensure that they will not be held responsible for committing human rights abuses. As explained below, this is the very purpose of the corporate form. States must at least protect people's rights from corporate power and ensure that people have access to effective remedy, and corporations must at least respect people's human rights.<sup>39</sup> This could limit corporate power and reorganize corporate operations and conduct. However, to ensure the full realization of human rights, the validity of the corporate form itself must be interrogated.

21. The function of a corporation is to allow individuals – shareholders – to pool their resources to make something or provide a service. People can collectively organize themselves in different ways through partnerships, co-operatives, public bodies or worker-controlled entities. That said, a corporation organizes resources in a particular way: it reduces an individual investor's risk by limiting shareholder liability for the wrongdoing of the enterprise. Corporate law and governance turn corporations into legal persons with an inordinate number of rights and very few binding obligations. As a result, individuals are enabled to reap all the gains and not be held responsible for any social harms that are generated by the profit-making enterprise. Moving up a scale, the way that the corporate bodies themselves limit their liability is by creating subsidiaries.<sup>40</sup>

22. This is a matter of both national and international law. Since the 1950s and taking off in the 1970s, international investment law has greatly benefited transnational corporations. At the 1974 World Food Conference, some national delegates raised concerns that multinational corporations had too much power as buyers of developing country products and sellers of necessary inputs, much like the core debates around the 2021 Summit.<sup>41</sup>

23. Investment treaties grant transnational corporations rights that are stronger than local communities' tenure and human rights, without including any corporate obligations. The corporate form combined with international investor-State dispute settlement that accompanies treaties also allows investors to evade domestic liability in their host State. This has excused corporations from local labour and environmental laws, leading to an increase in human rights abuses in global supply chains.<sup>42</sup> Under

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<sup>36</sup> See Lorenzo Cotula, Emma Blackmore and Thierry Berger, *Contracts in Commercial Agriculture: Enhancing Rural Producer Agency* (London, International Institute for Environment and Development, 2021).

<sup>37</sup> See Jennifer Clapp, "The problem with growing corporate concentration and power in the global food system", *Nature Food*, vol. 2 (2021).

<sup>38</sup> See [www.fao.org/director-general/speeches/detail/en/c/1333865/](https://www.fao.org/director-general/speeches/detail/en/c/1333865/); <https://pan-international.org/release/global-outrage-at-fao-plans-to-partner-with-pesticide-industry/>.

<sup>39</sup> See Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework.

<sup>40</sup> As a unique exception to this, see *Milieudefensie and others v. Royal Dutch Shell PLC*. Available at: <https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2021:5339>.

<sup>41</sup> [E/CONF.65/20](#), p. 36.

<sup>42</sup> See Nicolás M Perrone and David Schneiderman, "International economic law's wreckage: depoliticization, inequality, precarity", in *Research Handbook on Critical Legal Theory*, Emilios Christodoulidis, Ruth Dukes and Marco Goldoni, eds. (Edward Elgar Publishing, 2019), pp. 446–472.



investment treaties, foreign corporations can bring claims against Governments, without exhausting domestic remedies, relying on treaty standards of foreign property protection that often exceed national standards. However, local people and Governments do not have the right to hold foreign corporations (or any foreign investor) liable and bring claims under these treaties.

24. The question today, as being debated in United Nations Commission on International Trade Law (UNCITRAL) Working Group III (Investor-State Dispute Settlement Reform), is how the investment regime should be reformed. Meanwhile, there is also the popular debate over whether international law and national Governments should be in the business of actively protecting foreign property rights in the first place.<sup>43</sup>

25. Corporations are further protected in global supply chains because they can limit their own liability against human rights abuses through contracts with suppliers.<sup>44</sup> Corporations buying goods can claim that they are not responsible for the actions of those with whom they do not have a direct contract and are down the supply chain. Corporations are also protected because, when two parties form a contract, third parties who are directly harmed by the contract essentially have no remedies available to them.<sup>45</sup> This is problematic because corporations should not be able to avoid being held responsible for violating someone's human rights simply because of contract law – no one can contract out of their human rights obligations.

26. In sum, the world has been dominated by corporations in food systems that use wealth to generate more wealth, instead of using life to generate more life. The concentration of power through corporations on a global scale is symptomatic of an underlying political economic system that is defined by inequality. The world's richest 1 per cent emit more than the carbon of the poorest 50 per cent.<sup>46</sup> The world's richest have also profited from the pandemic, with billionaires' wealth swelling by \$1.9 trillion in 2020 while global unemployment skyrocketed.<sup>47</sup> The problems of the world's food system stem from the fact that the legal building blocks that create a market – contracts and property – have licensed investors to use corporations to financially benefit and violate people's human rights.

## IV. Food Systems Summit chronology and assessment

### A. Food Systems Summit structure and process

27. In many ways, the Food Systems Summit process itself reflected the shortcomings that come with corporate power in food systems. The idea for a food summit was first formally discussed at the high-level political forum on sustainable development among leaders from the three United Nations Rome-based agencies –

<sup>43</sup> See Jean Ho and Mavluda Sattorova, eds., *Investors' International Law* (Oxford, United Kingdom, Hart, 2021).

<sup>44</sup> Rachel Chambers and Anil Yilmaz Vastardis, "Human rights disclosure and due diligence laws: the role of regulatory oversight in ensuring corporate accountability", *Chicago Journal of International Law*, vol. 21, No. 2 (2021), p. 329; Committee on Economic, Social and Cultural Rights, general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities, para. 42; Committee on the Rights of the Child, general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, para. 67.

<sup>45</sup> James T. Gathii, "Incorporating the third party beneficiary principle in natural resource contracts", *Georgia Journal of International and Comparative Law*, vol. 43, No. 1 (2014), p. 93.

<sup>46</sup> See <https://cdn.sei.org/wp-content/uploads/2020/09/research-report-carbon-inequality-era.pdf>.

<sup>47</sup> See [www.forbes.com/sites/chasewithorn/2020/12/16/the-worlds-billionaires-have-gotten-19-trillion-richer-in-2020/?sh=493cc6947386](http://www.forbes.com/sites/chasewithorn/2020/12/16/the-worlds-billionaires-have-gotten-19-trillion-richer-in-2020/?sh=493cc6947386).

the Food and Agriculture Organization of the United Nations (FAO), the International Fund for Agricultural Development (IFAD) and the World Food Programme (WFP) – in July 2019 to address some of the main concerns about hunger, unhealthy diets and their costs to society.<sup>48</sup>

28. In December 2019, the Secretary-General appointed Agnes Kalibata as his Special Envoy for the Food Systems Summit, supported by a secretariat. She was the president of the Alliance for a Green Revolution in Africa, which was formed in 2006 as a partnership between the Rockefeller Foundation and the Bill and Melinda Gates Foundation.

29. The action tracks were the policymaking dynamo.<sup>49</sup> Each action track had its own chair, supporting team, United Nations anchoring agency, budget and agenda.<sup>50</sup> The chair of each action track was acting in a personal capacity in that they were all ultimately answerable to the Special Envoy. Nevertheless, each chair had at least in-kind support from a non-governmental organization since the action track Chairs' Food Systems Summit work was full-time and voluntary.

30. The Food Systems Summit Advisory Committee provided the Summit secretariat with strategic guidance and feedback on the Summit's overall development and implementation. It was chaired by the Deputy Secretary-General and comprised approximately 30 members, consisting of Member State representatives, senior officials of relevant United Nations agencies and other international organizations and individual experts from different sectors.

31. The Food Systems Summit Scientific Group was made up of 29 members: 20 were natural scientists and 9 were economists (including the Chair), with no social scientists from other disciplines.

32. The Champions Group was a network designed to mobilize people around the Secretary-General's call to action and the Summit activities. The network comprised over 100 people from a wide range of sectors. Champions were either appointed by the Special Envoy or nominated through the Champions Network Leadership Team for decision by the Special Envoy.

33. One of the Special Envoy's earliest official meetings was with the Chair of the Committee on World Food Security in January 2020, during which the Chair of the Committee highlighted the Committee's policy and research work and offered the Special Envoy the opportunity to work with the Committee, in partnership with the Rome-based agencies, to support the preparatory process towards the Summit.<sup>51</sup> At the same time, the previous Special Rapporteur issued a statement also calling for the Summit to be organized in partnership with the Committee.<sup>52</sup>

34. Even though the Committee on World Food Security is the best example of a multilateral food policy institution operating in accordance with human rights principles, it was marginalized within the Food Systems Summit process. The Summit secretariat originally relegated the Chair of the Committee on World Food Security to the Champions Group. After many complaints, in November 2020 the Special Envoy invited the Committee on World Food Security to participate in the Advisory

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<sup>48</sup> See [www.un.org/en/food-systems-summit/about](http://www.un.org/en/food-systems-summit/about); <https://news.un.org/en/story/2019/10/1049361>.

<sup>49</sup> See [www.un.org/en/food-systems-summit/action-tracks](http://www.un.org/en/food-systems-summit/action-tracks).

<sup>50</sup> See [www.un.org/sustainabledevelopment/blog/2020/09/leading-experts-chosen-to-drive-five-priority-areas-for-un-food-systems-summit/](http://www.un.org/sustainabledevelopment/blog/2020/09/leading-experts-chosen-to-drive-five-priority-areas-for-un-food-systems-summit/).

<sup>51</sup> See [www.csm4cfs.org/wp-content/uploads/2021/01/Letter\\_Special\\_Envoy\\_Summit.pdf](http://www.csm4cfs.org/wp-content/uploads/2021/01/Letter_Special_Envoy_Summit.pdf); [www.theguardian.com/global-development/2020/mar/12/un-under-fire-over-choice-of-corporate-puppet-as-envoy-at-key-food-summit](http://www.theguardian.com/global-development/2020/mar/12/un-under-fire-over-choice-of-corporate-puppet-as-envoy-at-key-food-summit).

<sup>52</sup> <https://hilalelver.org/wp-content/uploads/2020/04/CFS-March-31-comment-from-SR-Food-Elver.pdf>.

Committee.<sup>53</sup> Unfortunately, the Summit Scientific Group did not partner with the High-level Panel of Experts of the Committee on World Food Security or build upon its robust science-policy interface.<sup>54</sup> The Chair of the Scientific Group has instead repeatedly called for a new science-policy interface to replace the High-level Panel of Experts of the Committee on World Food Security, even though this appeared to go beyond the scope of the Chair's terms of reference and contravened the Deputy Secretary-General's numerous calls made during meetings to the effect that the purpose of the Summit was not to call for new institutions.<sup>55</sup>

35. Also in January 2020, the World Health Organization (WHO) declared the COVID-19 outbreak a public health emergency of international concern.<sup>56</sup> On 7 March 2020, to mark the number of confirmed COVID-19 cases surpassing 100,000 globally, WHO issued a statement calling for action to stop, contain, control, delay and reduce the impact of the virus at every opportunity.<sup>57</sup> The WHO call to action presented the Secretary-General and the Food Systems Summit secretariat with two questions.

36. The first was a substantive question: should the Food Systems Summit be focused entirely on COVID-19? It was decided that the Summit would not be about tackling the devastating effects of the pandemic on food systems. This meant that people and Governments had to divide their dwindling resources between the pandemic and the Summit or pick only one to focus on. At the outset, the Summit outcomes were defined as follows:

- Generating action and measurable progress towards the 2030 Agenda for Sustainable Development
- Raise awareness and elevate public discussion about how reforming food systems can help achieve the Sustainable Development Goals
- Develop principles to guide Governments and other stakeholders
- Create a system of follow-up and review on the Summit's outcomes<sup>58</sup>

37. The second was a process question. The Secretary-General and the Food Systems Summit leadership – like conference organizers all over the world – had to decide whether to postpone the Summit, shrink its agenda or push ahead. They decided to push ahead.

38. The decision to stay on the pre-pandemic schedule exacerbated already-existing inequalities that were built into the Food Systems Summit process. Most people's ability to meaningfully participate in the Summit process was severely limited by the fact that they had to confront an extraordinary global crisis on a daily basis. Additionally, since all the work moved online, this further privileged people who had access to devices, a strong regular Internet connection, spoke English and had the time necessary to navigate the complex process. Those who were the most essential to their food systems and stood the most to gain from the Summit faced the greatest participatory hurdles.

<sup>53</sup> [www.csm4cfs.org/wp-content/uploads/2021/01/Special\\_Envoy\\_Letter\\_Chair.pdf](http://www.csm4cfs.org/wp-content/uploads/2021/01/Special_Envoy_Letter_Chair.pdf); [www.csm4cfs.org/wp-content/uploads/2021/01/Chair\\_Letter\\_Special\\_Envoy\\_UNFSS.pdf](http://www.csm4cfs.org/wp-content/uploads/2021/01/Chair_Letter_Special_Envoy_UNFSS.pdf).

<sup>54</sup> See [www.fao.org/fileadmin/templates/cfs/Docs2021/Documents/SPI\\_for\\_Food\\_Systems\\_-\\_No\\_need\\_to\\_reinvent\\_the\\_wheel\\_HLPE\\_Open\\_Letter\\_20\\_May\\_2021.pdf](http://www.fao.org/fileadmin/templates/cfs/Docs2021/Documents/SPI_for_Food_Systems_-_No_need_to_reinvent_the_wheel_HLPE_Open_Letter_20_May_2021.pdf).

<sup>55</sup> See [www.ipes-food.org/\\_img/upload/files/GovBrief.pdf](http://www.ipes-food.org/_img/upload/files/GovBrief.pdf); [https://sc-fss2021.org/wp-content/uploads/2020/11/Terms\\_of\\_Reference\\_web.pdf](https://sc-fss2021.org/wp-content/uploads/2020/11/Terms_of_Reference_web.pdf).

<sup>56</sup> [www.who.int/news/item/23-01-2020-statement-on-the-meeting-of-the-international-health-regulations-\(2005\)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-\(2019-ncov\)](http://www.who.int/news/item/23-01-2020-statement-on-the-meeting-of-the-international-health-regulations-(2005)-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-(2019-ncov)).

<sup>57</sup> [www.who.int/news/item/07-03-2020-who-statement-on-cases-of-covid-19-surpassing-100-000](http://www.who.int/news/item/07-03-2020-who-statement-on-cases-of-covid-19-surpassing-100-000).

<sup>58</sup> Synthesis from the website: [www.un.org/en/food-systems-summit/about](http://www.un.org/en/food-systems-summit/about).

39. By March 2020, approximately 550 civil society organizations, universities and social movements from across the world had called for a reconsideration of the Summit.<sup>59</sup> Their primary issue was that the Food Systems Summit process and agenda would be dominated by the corporate sector. Their concern started with the concept note for the Summit, circulated at the 2019 high-level political forum, indicating the World Economic Forum as co-organizer of the Summit. Civil society organizations were concerned since the strategic partnership with the World Economic Forum<sup>60</sup> had just been signed by the Deputy Secretary-General.

40. Civil society organizations called for a process accountable to people and countries most affected by hunger and the climate crisis and a new format that would be democratic, transparent and transformative.

41. The demands were ignored, and the Food Systems Summit secretariat continued business as usual. In June 2020, the Rockefeller Foundation, together with EAT, organized a preliminary event to raise awareness and build momentum towards the Summit.<sup>61</sup> The World Economic Forum was granted a specific role as a cross-cutting lever of change throughout the Summit process. In November 2020, in the same week that the Committee on World Food Security was discussing how it wanted to position itself in relation to the Summit,<sup>62</sup> the World Economic Forum organized a virtual pre-event ahead of the Summit. The event reflected what would become the themes and structure of the Summit itself. Speakers and participants included almost all the members of the Summit leadership (who would become the integrating team) as well as Heads of State, government ministers, the World Farmers Organisation, national and international civil servants, leaders from the major agri-food corporations, representatives from philanthropic organizations and academics.<sup>63</sup>

42. In November 2020, the Food Systems Summit secretariat formed an informal integrating team to ensure that the Summit would be cohesive. Here, the Special Rapporteur provided independent advice on human rights. The team included leadership from all the Summit components and people leading the “levers of change”.<sup>64</sup> The Special Rapporteur had suggested that the secretariat develop also a “Human rights and law” lever of change: while the idea was seriously envisaged, and the Special Rapporteur was at first considered for the role of leader, a team was not assembled around this lever until June 2021, just prior to the pre-Summit. The Special Rapporteur was not consulted to help with the main human rights session at the pre-Summit.

<sup>59</sup> See [www.csm4cfs.org/wp-content/uploads/2020/03/EN\\_CS0-Letter-to-UNSG-on-UN-food-systems-summit.pdf](http://www.csm4cfs.org/wp-content/uploads/2020/03/EN_CS0-Letter-to-UNSG-on-UN-food-systems-summit.pdf).

<sup>60</sup> <https://weforum.ent.box.com/s/rdlgipawkjxi2vdaidw8npbyach2qbt>.

<sup>61</sup> See [www.rockefellerfoundation.org/news/rockefeller-foundation-eat-co-host-reimagining-food-systems-driving-action-for-post-covid-world/](http://www.rockefellerfoundation.org/news/rockefeller-foundation-eat-co-host-reimagining-food-systems-driving-action-for-post-covid-world/); <https://eatforum.org/event/reimagining-food-systems/speakers/>.

<sup>62</sup> See [www.csm4cfs.org/wp-content/uploads/2020/11/EN-CSM-Key-points-on-FSS-during-Bureau-Ag-meeting-23-Nov.pdf](http://www.csm4cfs.org/wp-content/uploads/2020/11/EN-CSM-Key-points-on-FSS-during-Bureau-Ag-meeting-23-Nov.pdf).

<sup>63</sup> See [www.weforum.org/events/bold-actions-for-food-as-a-force-for-good-2020/programme?utm\\_source=sfmc&utm\\_medium=email&utm\\_campaign=2736952\\_SaveTheDate-PreeventInSupportOfUnFoodSystemsSummit2021&utm\\_term=a0P0X00000S1C0kUAF&emailType=Event%20Invitation&ske=MDAxNjgwMDAwMDJYOUS1QUEw](http://www.weforum.org/events/bold-actions-for-food-as-a-force-for-good-2020/programme?utm_source=sfmc&utm_medium=email&utm_campaign=2736952_SaveTheDate-PreeventInSupportOfUnFoodSystemsSummit2021&utm_term=a0P0X00000S1C0kUAF&emailType=Event%20Invitation&ske=MDAxNjgwMDAwMDJYOUS1QUEw).

<sup>64</sup> The custodians of the levers of change included the gender team, led by Jemimah Njuki, Director for Africa at the International Food Policy Research Institute; the Finance Team, led by Martien Van Nieuwkoop, Global Director for the Agriculture and Food Global Practice in the Sustainable Development Practice Group of the World Bank, who was closely supported by Johan Swinnen, Director General of the International Food Policy Research Institute, as well as the Food and Land Use Coalition; the Innovation Team, led by Sean de Cleene, Head of the Food Systems Initiative and a member of the Executive Committee at the World Economic Forum. Ousmane Badiane was introduced as an independent adviser who could bring an African perspective.

43. The action tracks started collecting proposals for “game-changing solutions” in January 2021. The chairs each designed a process with their teams for collecting and organizing the submissions (“wave 1”). Six weeks later, the action track chairs, with the support of the secretariat, created a long list of proposals, and by the end of April a short list was finalized (“wave 2”).<sup>65</sup> The Scientific Group provided action tracks with evaluations and reports, although the relationship between the action tracks and the Scientific Group was not clear to most members of the integrating team during this process. What is also concerning is that the limitations of existing scientific research were not acknowledged – a recent study of more than 100,000 scientific articles on hunger research found that less than 5 per cent of published research provides original and high-quality data that can offer solutions for small-scale producers.<sup>66</sup>

44. Before the pre-Summit, the Food Systems Summit took over 2,000 proposals and consolidated them into a number of “solution clusters”. The ultimate purpose was for the Summit to create a coalition of Member States, private sector actors, civil society organizations and other stakeholders around each solution cluster which were encouraged to continue their work after the Summit.

45. Parallel to the policy and scientific dynamic of the Food Systems Summit were the food systems dialogues.<sup>67</sup> The global summit dialogues were co-convened by the Special Envoy for the Summit in order to bring political attention to food systems in high-level thematic and sectoral meetings and processes.<sup>68</sup> The independent dialogues provided a way for Summit participants to organize themselves around a certain idea.<sup>69</sup> As at 11 June 2021, 77 Member State Convenors had held dialogues.<sup>70</sup>

46. The food systems dialogues activated Governments, international organizations and part of civil society. They also faced format challenges from the outset with regard to transparency, access to information and participation and the inclusion of the most marginalized groups in society. Dialogue outputs never clearly flowed into the action tracks or the Scientific Group. Moreover, the style was modelled from the earlier World Economic Forum–Food Systems Dialogues (4SD), with no explicit priority or protection given to those who are most essential to the food system and whose human rights are regularly violated.<sup>71</sup>

## B. Multi-stakeholder governance

47. One key way that the Food Systems Summit privileged corporate-friendly perspectives was through its multi-stakeholder process. Generally speaking, a multi-stakeholder process is designed to include people representing everyone who has a stake in a particular issue, without a clear process for determining who is a “stakeholder”.

48. In the context of food systems and the way that the Summit was framed, everyone in the world is a stakeholder. This ignores existing asymmetries of power

<sup>65</sup> See [www.un.org/en/food-systems-summit/action-tracks](https://www.un.org/en/food-systems-summit/action-tracks).

<sup>66</sup> See “Ending hunger: science must stop neglecting smallholder farmers”, *Nature*, vol. 586, No. 7829 (12 October 2020).

<sup>67</sup> See <https://4sd.info/>.

<sup>68</sup> See <https://summitdialogues.org/overview/global-food-systems-summit-dialogues/>.

<sup>69</sup> See <https://summitdialogues.org/overview/independent-food-systems-summit-dialogues/>.

<sup>70</sup> Information available at <https://summitdialogues.org/overview/member-state-food-systems-summit-dialogues/>.

<sup>71</sup> See [www3.weforum.org/docs/IP/2016/NVA/WEF\\_FSA\\_2017\\_4pager.pdf](https://www3.weforum.org/docs/IP/2016/NVA/WEF_FSA_2017_4pager.pdf); <https://foodsystemdialogues.org/>; [www.weforum.org/projects/strengthening-global-food-systems](https://www.weforum.org/projects/strengthening-global-food-systems); <https://summitdialogues.org/engage/>.

and creates a system of privilege that actively marginalizes and excludes most people. Multi-stakeholder governance also leaves the role of States unclear and does not address their role as the main duty bearers. The result is that those with the most power and wealth can devote the necessary resources to influence the process. Multi-stakeholder governance also contributes to the fragmentation of global food governance, raising new challenges in terms of accountability, coherence and efficiency.<sup>72</sup> Added to this fact are all the barriers to participation caused by the pandemic.

49. In the Food Systems Summit multi-stakeholder process some Member States found their involvement poorly coordinated across the various participation methods in the lead-up to the Summit. A number of Member States have regularly reported to the Special Rapporteur that the Summit process has not provided a clear and effective role for national Governments other than being tasked with convening Member State dialogues.

50. The starting premise for multilateral processes is that national Governments are the source of authority for international norms and action. This premise grants all countries at least formal equal political power. For example, it ensures a small country more political and procedural power than a rich company or philanthropic organization. Multilateralism becomes an even more legitimate process when combined with human rights, whereby rights holders participate by way of entitlement. This means that any multilateral process must ensure that rights holders participate in a process that is committed to participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law.<sup>73</sup>

51. Throughout the Food Systems Summit process, the Special Rapporteur and some integrating team members, action track participants, Member States and civil society organizations regularly voiced concerns to the Secretary-General and Summit secretariat that the whole Summit process was complex and opaque. While some efforts to respond to concerns were made, the impression was that they were not substantial and were too late to redirect the process. The Summit was open but navigating it was akin to walking through a maze with constantly shifting walls.

52. The Special Rapporteur has also been made aware of substantive concerns that the Summit is unlikely to tackle key issues such as: protracted armed conflicts and occupations; food dependence and unilateral coercive measures against States; land concentration; displacement of small-scale food producers; and natural resource grabbing.

### C. Marginalizing human rights

53. At the outset of Summit preparations, human rights were not part of the process. In October 2020, through the Civil Society and Indigenous Peoples' Mechanism for Relations with the United Nations Committee on World Food Security, civil society organizations organized a call to action "to challenge" the Food Systems Summit process. Some of their major concerns were that human rights and limiting corporate power were still not on the Summit agenda.<sup>74</sup>

<sup>72</sup> See [High-level Panel of Experts on Food Security and Nutrition, Multi-stakeholder partnerships to finance and improve food security and nutrition in the framework of the 2030 Agenda, report \(Committee on World Food Security, Rome, 2018\)](#).

<sup>73</sup> These are commonly referred to as PANTHER principles. See [www.fao.org/right-to-food/areas-of-work/en/](http://www.fao.org/right-to-food/areas-of-work/en/).

<sup>74</sup> See [www.csm4cfs.org/open-call-civil-society-indigenous-peoples-engagement-respond-un-food-systems-summit/](http://www.csm4cfs.org/open-call-civil-society-indigenous-peoples-engagement-respond-un-food-systems-summit/).



54. After a year of pressure from within and outwith the Food Systems Summit process, and after the Special Rapporteur informed the Summit leadership that human rights remained essentially absent from the process, the Summit leadership finally put human rights on the Summit working agenda in January 2021 after wave 1 commenced.<sup>75</sup> The FAO Right to Food Team was invited to participate in the Summit in March 2021 and the Office of the United Nations High Commissioner for Human Rights (OHCHR) was invited in April 2021, both in a limited capacity, only a few months before the pre-Summit.<sup>76</sup>

55. Human rights, being universal, indivisible and interrelated, provide a way of understanding food as part of a system. Most importantly, human rights create an action-oriented system based on obligations created through law. Despite the Secretary-General's call for the Summit to be a "people's summit"<sup>77</sup> and the Special Rapporteur's regular advice to Food Systems Summit leaders, the Summit treats human rights as one policy area among others. Moreover, the meaning and applicability of human rights in the context of the Summit remains unclear, as if the race began in November 2020 and human rights were only allowed to take off from the starting line seven months later.

56. The marginalization of human rights as an overall approach led to the marginalization of a range of issues and groups including Indigenous peoples. In the middle of wave 1, in mid-February 2021, participants at the fifth global meeting of the Indigenous Peoples' Forum at IFAD provided a synthesis of their deliberations on "The value of indigenous food systems, resilience in the context of the COVID-19 pandemic". This included seven recommendations to the Food Systems Summit on how the Summit could best serve Indigenous peoples.<sup>78</sup> Despite these calls, to date, no Indigenous/traditional knowledge holders are part of the Scientific Group, and it appears that such knowledge is still in the margins.<sup>79</sup>

57. On 31 March 2021, members of the United Nations Permanent Forum on Indigenous Issues, the Scientific Group, the Global Hub of FAO and "members of the scientific community of indigenous peoples" met.<sup>80</sup> This was an exchange between the Scientific Group and the knowledge communities of the Indigenous peoples. The United Nations Permanent Forum and FAO are scheduled to present the *White/Whipala Paper on Indigenous Peoples' food systems*<sup>81</sup> at a pre-Summit affiliated session (although not in the main programme). Other Indigenous peoples, through the Civil Society and Indigenous Peoples' Mechanism, have decided to denounce the Summit because of its productivity paradigm, marginalization of human rights and limited scope.

58. As the Special Rapporteur informed the Food Systems Summit secretariat, agroecology is the best approach to efficiently and effectively use natural resources to fulfil the right to food. Agroecology has been widely endorsed by scientists, civil

<sup>75</sup> See [www.oaklandinstitute.org/mandate-special-rapporteur-right-food](http://www.oaklandinstitute.org/mandate-special-rapporteur-right-food).

<sup>76</sup> The FAO Right to Food Team was invited to submit a proposal to action track 1 (access to safe and nutritious food for all), and OHCHR partnered with WHO in action track 2 (sustainable and healthy diets).

<sup>77</sup> See footnote 25.

<sup>78</sup> See [www.ifad.org/documents/38714174/42105832/synthesis\\_ipf2021\\_e.pdf/ea1c2bcf-beb0-f4a2-7414-294b3934df53](http://www.ifad.org/documents/38714174/42105832/synthesis_ipf2021_e.pdf/ea1c2bcf-beb0-f4a2-7414-294b3934df53). See also [www.fao.org/north-america/news/detail/en/c/1366178/](http://www.fao.org/north-america/news/detail/en/c/1366178/).

<sup>79</sup> The Scientific Group did commission a paper ([https://sc-fss2021.org/wp-content/uploads/2021/04/FSS\\_Brief\\_Marginal\\_areas\\_indigenous\\_people.pdf](https://sc-fss2021.org/wp-content/uploads/2021/04/FSS_Brief_Marginal_areas_indigenous_people.pdf)). During the "science days", two parallel sessions were organized by the FAO Indigenous Peoples Unit and one parallel session was dedicated to Indigenous and traditional knowledge.

<sup>80</sup> See <https://sc-fss2021.org/2021/03/31/paper-on-indigenous-peoples-food-systems/>.

<sup>81</sup> *The White/Whipala Paper on Indigenous Peoples' Food Systems* (Rome, FAO, 2021). Available at [www.fao.org/publications/card/fr/c/CB4932EN/](http://www.fao.org/publications/card/fr/c/CB4932EN/).

society organizations and farmers' organizations and continues to grow in popularity.<sup>82</sup> FAO has created an agroecology team, launched the Scaling up Agroecology Initiative: Transforming Food and Agricultural Systems in Support of the Sustainable Development Goals as a framework for concerted action and partnerships and regularly held international symposiums and regional seminars on the topic. Nevertheless, agroecology was not taken up by the Summit secretariat, action tracks or the Scientific Group from the outset. After a campaign of more than a year, agroecology was finally put on the Summit agenda through action track 3.

59. In sum, the Food Systems Summit has been driven by an understanding of science and policy that reflects a particular hierarchy of values. The process began with corporate-friendly policymakers, natural scientists and economists. Later, Member States were brought into the process to work within a set of parameters determined by that original corporate-friendly group. Human rights were introduced very late in the process. To date, according to the most recent Summit secretariat presentation to the Advisory Committee, Indigenous people's concerns remain an "emerging topic". Governance was introduced, and in general terms, only after the short list of proposals was finalized in preparation for the pre-Summit.

#### **D. Global governance and a backwards theory of change**

60. From a human rights perspective, the Summit was designed backwards, prioritizing a narrow understanding of natural sciences and economics over other disciplines and forms of knowledge. This vision and the narrative of feeding 10 billion people by 2050 continue to justify the productivity paradigm, only partially reframed today with a concern for planetary boundaries and a commitment to sustainable intensive agriculture. It nevertheless reflects the same assumption as that of the Green Revolution, that using new technology to increase production is the key to tackling hunger, malnutrition and famine.

61. The theory of change that accompanies the Summit's hierarchy of values is that a small set of academic and policy experts first shape the process and judge which ideas are best. Then the Summit will present the menu of choices to Member States and encourage stakeholders to build coalitions and relationships around those ideas. In this way, human rights are not a series of obligations but a choice among other menu items.

62. The right to food already offers several ways of connecting science to policy. It requires that the people who have the most at stake lead the process. In that regard, Indigenous peoples, smallholder farmers, peasants, fishers, pastoralists, workers and women and trade unions have already made many clear demands.<sup>83</sup> They have already outlined how to transform the food system in a way that fulfils everyone's human rights. At the core of their demands is not just the right to food but also human rights instruments, including the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Peasants and other People Working in Rural Areas and the relevant International Labour Organization (ILO) treaties.

<sup>82</sup> See [www.fao.org/fileadmin/templates/est/Investment/Agriculture\\_at\\_a\\_Crossroads\\_Global\\_Report\\_IAASTD.pdf](http://www.fao.org/fileadmin/templates/est/Investment/Agriculture_at_a_Crossroads_Global_Report_IAASTD.pdf); [www.ipcc.ch/site/assets/uploads/sites/4/2021/02/08\\_Chapter-5\\_3.pdf](http://www.ipcc.ch/site/assets/uploads/sites/4/2021/02/08_Chapter-5_3.pdf); High-level Panel of Experts on Food Security and Nutrition, *Agroecological and other Innovative Approaches* (see footnote 31); Committee on World Food Security, "Policy recommendations on agroecological and other Innovative approaches for sustainable agriculture and food systems that enhance food security and nutrition" (4 June 2021).

<sup>83</sup> See, for example, Working Group on Global Food Governance, *Voices from the Ground* (see footnote 3).



63. The COVID-19 pandemic has highlighted how, once again, the problem with our food systems today is not a question of producing more food (availability), but a question of accessibility and entitlement. As many have known for decades,<sup>84</sup> hunger, malnutrition and famine are not caused by inadequate amounts of food. The problem is that people need better access to adequate food and the limitations are because of political failure and shortcomings in governance. Even at the peak of the pandemic, the greatest threat to food security and nutrition was not because food was unavailable, but because people could not access adequate food, having lost their livelihoods or homes.<sup>85</sup>

64. To date, it is still unclear whether States will come together through a multilateral process and tackle the current food crisis during the pandemic.

65. The Food Systems Summit fails to fully recognize that people and Governments are already transforming the food system during the pandemic out of necessity.<sup>86</sup> The pandemic was the crumbling blow to all of the world's food systems, and the Summit should have been directly focused on capturing what was happening in real time. Hunger, malnutrition and famine are unlikely to be eliminated by a set of proposals, generated through an opaque process, which are then taken up by coalitions that have formed around those ideas. It will be the relationships that people develop to tackle the current food crisis and the ideas that come from those relationships that will build a better future.

## V. Trade and territorial markets

### A. Trade policy is global governance

66. During the pandemic, the fact that Governments came together and multilaterally agreed to keep their borders open to the flow of goods is a political success. This, however, has not averted significant supply chain disruptions and deteriorating work conditions for workers across different parts of food systems. The pandemic highlights the fact that such a political agenda is disconnected from social and economic inequities and human rights violations in the world's food systems.<sup>87</sup>

67. The World Trade Organization (WTO) has finally conceded what human rights movements have been arguing since its inception: food security and environment are trade concerns.<sup>88</sup> What has been clearly articulated by millions of people marching in the streets for over 25 years is now the new policy reality in WTO. There remains, however, no coherent international food policy informing WTO operations, just as trade policy was not substantively taken up through the Food Systems Summit process.

68. The WTO Agreement on Agriculture is a key element of international food policy and was part of a wider deal that created WTO. Before the Uruguay Rounds in 1986, the global understanding was that, eventually, developed countries would reduce their subsidies and allow food and agricultural products to enter from what were former colonies. In return, developing countries opened up their agricultural

<sup>84</sup> See Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation* (Oxford, United Kingdom, Oxford University Press, 1981).

<sup>85</sup> See [www.worldbank.org/en/topic/agriculture/brief/food-security-and-covid-19](http://www.worldbank.org/en/topic/agriculture/brief/food-security-and-covid-19).

<sup>86</sup> See [www.csm4cfs.org/call-action-mobilization-challenge-un-food-systems-summit-re-claim-peoples-sovereignty-food-systems/](http://www.csm4cfs.org/call-action-mobilization-challenge-un-food-systems-summit-re-claim-peoples-sovereignty-food-systems/).

<sup>87</sup> See [www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms\\_795453.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_795453.pdf), chap. 3.

<sup>88</sup> See [www.wto.org/english/res\\_e/reser\\_e/tradedialonfood\\_e.htm](http://www.wto.org/english/res_e/reser_e/tradedialonfood_e.htm); <https://summitdialogues.org/dialogue/7013/>.

markets and agreed to the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), which extended intellectual property rights in effect for Global North companies looking to expand to the Global South.<sup>89</sup> That bargain never materialized.<sup>90</sup> In practice, the Agreement on Agriculture has mostly supported countries with heavily subsidized industrial agricultural sectors and significant import rates. These elements, as highlighted earlier, pose serious challenges for the realization of the right to food for all, sidelining other agriculture approaches that are more consistent with human rights obligations.

69. Today, Member States are in serious conflict over which public policies count as market distortions and which are the preconditions for a fair and stable market. This is because there is no longer multilateral agreement as to what constitutes a market. Trade law can create a transparent and predictable market only when there is political consensus as to what is a fair and stable market. This is why the Special Rapporteur, in his first report, called for an end to the Agreement on Agriculture. He also provided an institutional map of how to create international food agreements through the General Agreement on Tariffs and Trade and the International Covenant on Economic, Social and Cultural Rights, which could provide a foundation for markets built upon a blend of trade principles and human rights.<sup>91</sup>

## B. Right to food agenda for trade

70. Since 1982, agricultural trade negotiations have been focused on three “pillars”:

- (a) Improving market access by banning quantitative restrictions, converting behind-the-border policies into tariffs and gradually reducing all agricultural tariffs;
- (b) Gradually reducing export subsidies to zero;
- (c) Limiting the scope of permissible domestic support.<sup>92</sup>

71. “Tariffication” under the first pillar was completed with the advent of WTO. At the tenth WTO Ministerial Conference, held in Nairobi in 2015, Member States took on the second pillar and agreed for the first time to abolish export subsidies. The third pillar remains unresolved. The United States and the European Union, among others, have never committed to limiting their domestic support and have instead used international institutions to support their domestic food and agricultural sectors.

72. The trade agenda should no longer be about limiting domestic support. The new global trade agenda should be about ensuring that all Member States and people, especially those that are marginalized, can rely on international institutions to support their national food policies and create fair and stable markets, ensuring the full realization of the right to food. Both in terms of legal obligations and today’s political reality, when Member States eventually come to a political consensus as to what

<sup>89</sup> See John Schmidt, “How we created the WTO: a memoir”, *The Wilson Quarterly* (Summer 2015). Available at [wilsonquarterly.com/stories/a-world-of-hopes-and-a-world-of-fears-how-we-created-the-wto/](http://wilsonquarterly.com/stories/a-world-of-hopes-and-a-world-of-fears-how-we-created-the-wto/).

<sup>90</sup> See [https://unctad.org/system/files/official-document/presspb2021d1\\_en.pdf](https://unctad.org/system/files/official-document/presspb2021d1_en.pdf); [www.lrb.co.uk/blog/2021/may/broken-bargains](http://www.lrb.co.uk/blog/2021/may/broken-bargains).

<sup>91</sup> See A/75/219.

<sup>92</sup> See General Agreement on Tariffs and Trade, press release GATT/1328, 29 November 1982.

constitute fair and stable food markets, it must be embedded within the normative structures relating to the right to food and human rights obligations in general.<sup>93</sup>

### C. Agroecology and territorial markets

73. During the pandemic, people are relying even more on their local food systems. One of the most popular demands from local governments, social movements, advocacy groups, experts and some national Governments is a call to promote local food production, short supply chains and a greater degree of self-sufficiency. This also includes promoting sectoral cooperation among local departments, vertical cooperation between municipal and subnational and/or national governments and horizontal coordination with other local governments.<sup>94</sup>

74. Most local markets in the world are supplied by small-scale food producers (or smallholders). As is widely recognized, smallholders play an essential role in ensuring food security and nutrition today. Smallholders produce approximately 70 per cent of the world's food and yet they face hunger, malnutrition and egregious right to food violations. Part of the problem is that smallholders find it relatively difficult to access and benefit from local, national and regional markets because of barriers to finance, infrastructure and appropriate technology.<sup>95</sup>

75. The 2016 Committee on World Food Security policy recommendations on connecting smallholders to markets were a ground-breaking first step to better understand and develop the role of markets in food systems in a way that focused on people and not economic growth. Through the Civil Society and Indigenous Peoples' Mechanism, civil society and Indigenous peoples further refined some of the concepts from the policy recommendations and introduced the notion of "territorial markets" to capture a deeper understanding of local, national and regional markets.<sup>96</sup>

76. Thinking of the world in terms of territorial markets gives a clearer understanding of how most people actually buy, sell and share their food. The term "territorial" market allows people to overcome the limitations of thinking only in terms of global versus local. Territorial markets can be local, national or transboundary. They can also be rural, peri-urban, or urban.

<sup>93</sup> These include the International Covenant on Economic, Social and Cultural Rights (together with Committee on Economic, Social and Cultural Rights, general comment No. 12, and the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security); International Labour Organization Right of Association (Agriculture) Convention, 1921 (No. 11), Minimum Age Convention, 1973 (No. 138), Labour Inspection (Agriculture) Convention, 1969 (No. 129), Safety and Health in Agriculture Convention, 2001 (No. 184), Social Security (Minimum Standards) Convention, 1952 (No. 102), Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128), Worst Forms of Child Labour Convention, 1999 (No. 182) and Social Protection Floors Recommendation, 2012 (No. 202); Convention on the Rights of the Child; Convention on the Elimination of All Forms of Discrimination against Women; Declaration on the Rights of Indigenous Peoples; United Nations Declaration on the Rights of Peasants; Committee on World Food Security policy tools such as the *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (Rome, FAO, 2012).

<sup>94</sup> See [www.fao.org/3/cb1020en/CB1020EN.pdf](http://www.fao.org/3/cb1020en/CB1020EN.pdf); <https://urgenci.net/wp-content/uploads/2021/01/Urgenci-rapport-Enacting-ResilienceFINAL-FINAL.pdf>.

<sup>95</sup> See Committee on World Food Security, *Connecting Smallholders to Markets*, Policy Recommendations. Available at <http://www.fao.org/3/bq853e/bq853e.pdf>.

<sup>96</sup> See Sylvia Kay and others, "Connecting smallholders to markets: an analytical guide" (Civil Society and Indigenous Peoples' Mechanism, 2016).

77. The following points outline the characteristics of territorial markets:<sup>97</sup>

(a) **Bounded.** Territorial markets are directly linked to particular local, national and/or regional food systems. The food concerned is produced, processed, sold or distributed and consumed within a given territory. The gap between producers and end users is narrowed; and the length of the distribution chain is significantly shortened or even direct. This can be contrasted with food systems that are at the mercy of global markets, food that is the result of opaque global value chains or processed foods that are sourced from a variety of places;

(b) **Diverse.** They are inclusive and diversified, with a wide variety of agricultural and local food products to the marketplace, reflecting the diversity of the food system or systems of the territory;

(c) **Holistic.** They perform multiple economic, social, cultural and ecological functions within their given territories – starting with but not limited to food provision;

(d) **Remunerative.** They are the most profitable for smallholders since they provide them with more control over conditions of access and prices than mainstream value chains and more autonomy in negotiating them;

(e) **Circular.** They contribute to structuring the territorial economy since they enable a greater share of the wealth created to be retained and redistributed within the territory;

(f) **Legal.** They may be informal, formal or somewhere in between. Informal means not taxed or licensed, it does not mean illegal. Being more formal does not necessarily suggest that a market is better functioning. To varying degrees, all have some links with the relevant public bodies and the State through tax collection or through public investments;

(g) **Embedded.** They include embedded governance systems meaning that they operate according to a set of commonly shared rules that are negotiated between producers, consumers and the different authorities of the territory concerned (what some also call “nested markets”);

(h) **Solidaristic.** In addition to serving as spaces in which buyers and sellers are matched up, they are places where political, social and cultural relations are made and expressed and where all the people involved interact according to varying degrees of interdependence and solidarity. The power relationship among producers, processors, traders and consumers is more horizontal. This means that markets are constituted by long-standing relationships of trust.

78. Since it has been established that agroecology provides communities and Governments with the best way to fulfil everyone’s right to food,<sup>98</sup> people are now asking a more programmatic question: what kind of markets do we need to transition to agroecology?<sup>99</sup> The Special Rapporteur, together with a growing number of people and experts, finds that territorial markets are best suited to help communities and Member States transition to agroecology and fulfil everyone’s right to food.

<sup>97</sup> Ibid.

<sup>98</sup> See A/HRC/16/49.

<sup>99</sup> See [https://afsafrica.org/wp-content/uploads/2021/05/afsa\\_2020-virtual-conference-report-final\\_compressed.pdf](https://afsafrica.org/wp-content/uploads/2021/05/afsa_2020-virtual-conference-report-final_compressed.pdf); Allison Loconto, Alejandra Jimenez and Emilie Vandecandelaere, *Constructing Markets for Agroecology: An Analysis of Diverse Options for Marketing Products from Agroecology* (FAO and Institut National de la Recherche Agronomique, 2018). See also William Vorley (2013), “Meeting small-scale farmers in their markets: understanding and improving the institutions and governance of informal agrifood trade” (London/The Hague/La Paz, HIVOS, International Institute for Environment and Development, Mainumby Nakurutú, 2013).

79. It may be useful to understand how food systems and territories are made through movement, especially if one element of territorial markets is to circulate wealth. All food systems generate movement, and the movement of human animals has always been “natural, common and largely harmless”.<sup>100</sup> People often build their cultures and food systems around the seasons, tidal shifts and movements of a particular species through space and time. Pastoralists, fishers and some Indigenous people’s sense of their home territory is bounded by the movement of the animals that they depend on. With climate change, people, non-human animals and entire biomes are migrating at unprecedented rates.<sup>101</sup> This means that territories are quickly changing in scale, nature and size. This also means that migrant workers are some of the most vulnerable to sickness and death in the pandemic. It is helpful to map territorial markets as they are.<sup>102</sup> It would be more productive also to have a better understanding of how new territories are being remade in real time.

80. International food agreements would be an opportunity to be more deliberate about supporting and constituting territorial markets.<sup>103</sup> Negotiating these agreements would force States and people to consider and facilitate the changing scale, nature and boundaries of existing territorial markets. The scope and nature of international food agreements, however, would have to be clarified. Using some existing examples, they could be focused on keystone species<sup>104</sup> or food staples.<sup>105</sup> They could also be made up by an alliance of communities around the world. Alternatively, territories could be formed around procurement programmes. Most importantly, since all ecosystems are interconnected, the ultimate challenge is having an institutional process in place to manage international food agreements so that all the world’s territories enhance biodiversity and fulfil everyone’s right to food.

81. As a preliminary matter, the process leading to these agreements needs to be negotiated. The multilateral process must be multiscalar and advance people’s human rights. There are very few examples of such a process. However, local governments, cities and the Civil Society and Indigenous Peoples’ Mechanism could be key partners in developing such a process.

82. Building from the experiences of labour unions and food producer collectives (as well as the institutional design of the Committee on World Food Security, the Arctic Council and ILO) people working in food systems should have bargaining power reflecting the fact they are essential to the food system. The bargaining power of all essential workers’ and marginalized people should reflect their position as rights holders and political constituents in food systems. In this regard, paying attention to the right to food simultaneously with the right of association is key. In turn, it is the Government’s responsibility to ensure that the price for food producers is remunerative while ensuring that at the same time the price for food consumers is fair.

83. The challenge is to translate these human rights processes and principles into a trade negotiation plan.

<sup>100</sup> Emma Marris, “Migration is normal, accept it”, *Nature*, vol. 582, pp. 24 and 25 (2020).

<sup>101</sup> See Sonia Shah, *The Next Great Migration: The Beauty and Terror of Life on the Move* (New York, Bloomsbury Publishing, 2020).

<sup>102</sup> See [www.fao.org/in-action/territorios-inteligentes/articulos/colaboraciones/detalle/en/c/1174992/](http://www.fao.org/in-action/territorios-inteligentes/articulos/colaboraciones/detalle/en/c/1174992/).

<sup>103</sup> See A/75/219.

<sup>104</sup> Northern Tribes Buffalo Treaty (2014). See Sheryl R. Lightfoot and David MacDonald, “Treaty relations between Indigenous Peoples: advancing global understandings of self-determination”, *New Diversities*, vol. 19, No. 2 (2017).

<sup>105</sup> International Grains Arrangement (1967).

## VI. Conclusions and recommendations

84. While it is too early to provide a comprehensive assessment of the Food Systems Summit, the Special Rapporteur nevertheless acknowledges the Summit's contribution to already elevating public discussion on food systems reform. Unlike with United Nations food summits and conferences of the past, the Summit leadership was not able to provide an autonomous and meaningful human rights space for a significant number of communities and civil society organizations. As a result, the human rights concerns and aspirations of the very people that the Summit is meant to target in food systems have been sidelined and excluded. Furthermore, the Summit has not paid due attention to structural problems of the world's food systems. The Summit can therefore be understood as an attempt to review food production policies, rather than to address the root causes of hunger and food insecurity and overhaul the food systems that prioritize profit over people.

85. Furthermore, the Food Systems Summit process raced headlong through the pandemic (without addressing the pandemic). The online format of the Summit preparatory work limited the ability of many developing countries, civil society organizations and communities to participate meaningfully and have their voices heard in the myriad of public and private meetings. Many have complained that Summit discussions have privileged the most equipped and powerful actors, especially the corporate sector. These complaints included concerns about the marginalization of countries affected by food insecurity and also small-scale food producers and workers, who still provide most of the food consumed in the world.

86. The Food Systems Summit has not recognized (much less built upon) the wealth of proposals, knowledge, innovations and normative frameworks negotiated by grassroots movements with Member States and international organizations over time. For at least the last 10 years, human rights have been at the core of how new international food knowledge has been developed and how international food policies have been negotiated. The Summit's late attempt to imbue its process and outcomes with human rights-based perspectives has not succeeded.

87. Going into the Summit, "agency" was introduced as one of the pillars supporting the global narrative of food systems towards 2030.<sup>106</sup> This concept includes recognizing people's ability to engage in processes that shape food system policies and governance. The Food Systems Summit process, however, has discouraged many actors from getting involved and providing their inputs. The theory of change informing the Summit process was elitist and led to low confidence and lukewarm participation by civil society organizations substantively committed to human rights. In practice, the Summit multi-stakeholder approach excluded many food movements and marginalized the most vulnerable. Part of the Summit multi-stakeholder design was to get stakeholders to cluster around a particular menu of ideas, but it did not provide mechanisms to assist States to collaborate and cooperate with each other. A number of States felt worse off by comparison with United Nations multilateral practices derived from sovereign equality, highlighting how the Summit is disconnected from international law. Moreover, the Summit procedures, in particular relating to the categorizing, reorganizing and prioritizing of the

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<sup>106</sup> See High-level Panel of Experts on Food Security and Nutrition, *Food Security and Nutrition: Building a Global Narrative towards 2030* (see footnote 26).

inputs extracted from various Summit channels, have been opaque, leaving many people unsure of how the whole Summit worked.

88. In the light of the foregoing, the Special Rapporteur warns against building new forms of governance or new institutions from the outcomes of the Summit.

89. The Special Rapporteur strongly recommends prioritizing existing multilateral forums, such as FAO committees and the Committee on World Food Security to review the Summit's outcomes. Only through multilateralism will countries suffering the most in the pandemic be able to articulate their needs; and only through human rights will Governments be able to serve people.

90. The Committee on World Food Security includes the autonomous Civil Society and Indigenous Peoples' Mechanism, a space for human rights that enables solidarity among the food systems' constituents. The Mechanism must be included in any Food Systems Summit outcomes conversation and assessment.

91. The ultimate question is whether the Summit's proposals will fulfil people's right to food and human rights in general. The Special Rapporteur suggests that the Food Systems Summit outcomes should be assessed through a human rights framework by asking the following questions:

(a) Do the outcomes help Governments and people come together to tackle hunger, malnutrition, famine and inequality exacerbated by COVID-19 today?

(b) Did the Summit guide Member States to identify and allocate the maximum of available resources for the realization of the right to food and avoid retrogression in the realization of human rights?

(c) Do the outcomes identify the root cause of the crisis and hold corporations and other relevant actors accountable?

(d) Do the proposals rely on an understanding of agency that puts the control of food systems in the hands of the people in their capacity as rights holders? Do the proposals make national and international governance mechanisms more accountable to people and responsive to structural inequities?

92. Drawing on lessons learned from the pandemic covered in a previous report<sup>107</sup> and on conversations and inputs received in response to his call for contribution, the Special Rapporteur invites States and other stakeholders to tackle current human rights challenges related to food systems based on the following recommendations for a meaningful transformation and guide to post-Summit actions.

93. More specifically, States should:

(a) Coordinate with all levels of government and ensure that all children receive free meals at school during the entire calendar year. This has proven to be the most effective way to fulfil children's right to food, and it strengthens families and communities;

(b) Supply these universal school feeding programmes through public procurement programmes that connect local, national and regional producers to school kitchens. These programmes could transform food systems and support territorial markets in a way that fulfils people's right to food;<sup>108</sup>

(c) Invest in enhanced territorial markets infrastructure at the local, national and regional levels;

<sup>107</sup> A/HRC/46/33, para. 28.

<sup>108</sup> See [www.srfood.org/images/stories/pdf/otherdocuments/20140514\\_procurement\\_en.pdf](http://www.srfood.org/images/stories/pdf/otherdocuments/20140514_procurement_en.pdf).

(d) Scrutinize policies that unjustifiably privilege formal retail food outlets over more informal markets that connect small producers and lower income consumers, including periodic rural markets and street vendors;

(e) Strengthen international multilateral forums such as the Committee on World Food Security and its High-level Panel of Experts on Food Security and Nutrition, with an emphasis on Indigenous and/or local knowledge and human rights expertise;

(f) Enact and enforce laws that limit the growing corporate concentration and power in food systems and that hold corporations accountable for human rights violations;

(g) Enact the United Nations Declaration on the Rights of Peasants and the Declaration on the Rights of Indigenous Peoples through national policy and legal frameworks;

(h) Ratify and enact international labour treaties, enforce national labour laws and extend labour protection to agricultural workers. The ILO Convention on the Right of Association (Agriculture) 1921 (No. 11) and the recently ratified Convention on the Worst Forms of Child Labour 1999 (No. 182) are more important than ever;<sup>109</sup>

(i) Coordinate multilaterally to develop international food agreements as binding mechanisms that provide support to agroecology.

94. **Businesses should:**

(a) Prevent, address and effectively remedy human rights abuses across their entire supply chains, making the information public through due diligence;

(b) Not operate in a territory without the free, prior and informed consent of Indigenous peoples;

(c) Hold their subsidiaries responsible for human rights abuses.

95. **International organizations should prioritize human rights and agroecology in all their food systems work.**

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<sup>109</sup> This also includes continued ratification and enforcement of other conventions such as ILO Conventions Nos. 138, 129, 184, 102 and Recommendation No. 202.