

“To inform the Special Rapporteur’s engagement with the UN Food Systems Summit 2021 and provide inputs for the Special Rapporteur’s forthcoming report to the 76th session of the General Assembly in October 2021”

*Response by FIAN Germany to the call for inputs from the Special Rapporteur for the Right to Food
Cologne, 30 June 2021*

Food systems and human rights

1. What are the most salient challenges facing the food systems in your country/region? Please explain why.

- a. In Germany, we have a high level of **land concentration**. This trend is going on unstopped for many decades. It is part of a process (formally tagged “Strukturwandel”), which pushes small and even medium scale food producers out of farming. Today only 1,5% of the workers in Germany work in agriculture.
- b. Here is also a **high market concentration of supermarkets**, which leads to low farm gate prices (even below production costs), another reason for many family farms to close.
- c. The small and vulnerable farmers almost have no voice in the most influential **farmers organisation** DBV in Germany. As one result, the DBV does not push for a stop and roll back of land concentration and shrinking farm numbers.
- d. **Bioenergy** (as part of the industry-driven bioeconomy) today occupies 22% of Germanys agricultural land, making the country more dependent on food and feed imports (including a problematic land import footprint abroad).

2. What are the examples of ways in which the challenges facing the global food system are having adverse impacts on human rights broadly, and the right to food specifically?

- a. The **import of agricultural commodities** like feedstuff (mainly soy) or raw materials for (high) processed foods (like palm oil or sugar) to Germany is linked to human rights violations abroad (e.g. Brazil).
- b. Landgrabs by powerful financial investors from Germany have severe adverse impacts on the right to food and the right to water abroad (as is the [case of the doctors pension scheme investment](#) in a global land fund that acquired 133.000 ha in Brazil)
- c. In Europe, the industrial and dominant food system is based on **precarious and migrant seasonal work**, which is frequently documented to violate basic human rights of workers. In Europe, the industrial and dominant food system is based on **precarious and migrant seasonal work**, which is frequently documented to violate basic human rights of workers. Existing standards such as the [EU Seasonal Workers Directive](#) are frequently violated. Schemes of discriminatory employment of migrant wokers in agriculture range from undocumented work to the posting of workers or forms of “short term employment” (such as in Germany) that denies seasonal workers access to social security and health insurance.

3. Are there specific challenges that your country has faced in attempting to employ a rights-based approach to transforming food systems without leaving anyone behind?

- a. As mentioned under (2), the German Government categorizes employment of seasonal workers from countries such as Romania and Poland but also from third countries such as Georgia as “short term employment” for a timeframe of up to 4 months. This effectively implements laws that keeps **migrant workers outside the legal social security system** for example related to the provision of basic health care (also in a sense to prioritizes the provision of cheap food over rights of migrant workers).
- b. Decision makers in the relevant **Ministries** (esp. BMEL) see human rights and a related rights-based approach as something for the Global South / not applicable for Germany.

4. To what extent has the UN Food System Summit considered those challenges in its deliberations? Please explain.

- a. While some representatives of the **constituencies most affected by malfunctioning food systems** might participate in the Summit, their meaningful and significant participation is not given with the Summit’s mechanics.
- b. While democratic and human rights based **food systems governance** is key, the Summit works to the detriment of these parameters.

5. What are the specific obligations of States and responsibilities of businesses in terms of preventing and addressing adverse impacts caused by the unsustainable production or consumption of food?

- a. Germany has substantive **impacts on food systems around the globe** – through its own food systems (eg imports, exports, export of agrochemicals) but also through its finance vehicles (eg [pension schemes or](#)

- [development banks](#) involved in land grabs abroad). Thus, Germany should adopt a much stronger monitoring, accountability and remediation framework for addressing its own extraterritorial human rights obligations.
6. *Despite the challenges of the pandemic, what are specific examples of rights-based initiatives and good practices (including policy, standards and programmes) that have successfully improved people's access to adequate food in a sustainable and systemic way?*
 - a. Implementation and monitoring of **living wages** policies / rules.
 - b. Rights-based **agrarian reforms** that include land redistribution for marginalized rural groups.
 - c. **Public procurement** standards and programmes based on human rights.
 - d. Laws that **regulate corporate influence**.
 - e. In many instances, it would already help to **dismiss problematic policies** like subsidies programs that are biased towards industrial and unsustainable food systems.

Participation and access to information during the Food Systems Summit

7. *To what extent was the information on the Summit accessible, clear and practical for you and your community and partners?*
 - a. In Germany, we have been part of a group of NGOs that tried from autumn 2020 onwards to get **information on the UN FSS process**. We also sent multiple letters to the Government asking for clarification on decision-making processes for and in the Summit. We simply did not get this information.
 - b. When the Martin Frick, Deputy to the Special Envoy for the Food Systems Summit, attended the national working group on global food security (26 October 2020), we asked him for clarification about the **decision making structure of the UN FSS**. Again, we could not get this information.
8. *In what ways have you participated in the Summit (events, dialogues, submission of inputs etc.)? Please describe the nature and content of your participation, if applicable.*
 - a. FIAN Germany decided as part of a larger group of civil society organisations in Germany, **not to participate in the official dialogue** due to a long list of problems and concerns related to the dialogue (see our statement [here](#)). On has been, that there was no way of participating and not being incorporated into to broader UN FSS process, which we believe lacks legitimacy.
9. *To what extent would you consider your participation in the FSS as active and meaningful? Please explain.*
 - a. We – together with national partners, including peasant organisations – decided **not to participate in the Summit** as we strongly believe that outside activities and mobilization contribute much more to the promotion of our key values and demands, including a strong rooting of global food governance in human rights, than the active participation.
 - b. A **meaningful participation is not possible** due to a lack of transparency and accountability of the whole Summit process.

Outcomes of the Food Systems Summit

10. *What are your expectations from the Summit's outcomes following its conclusion in October 2021? How would these outcomes contribute to the full realization of the right to food for all?*
 - a. Based on our analysis of the mechanics of the Summit, we expect a multi-coloured set of so-called “solutions” that include most of the themes that are discussed today around food systems. We expect that this will **not give guidance** but rather present a pick and choose list where the most powerful actors will be able to fund their own solution proposals and more transformative solutions will have less or no support, replicating problematic and top-down actions.
 - b. We do not expect substantive outcomes that address the **structural causes of violations of the right to food**, including strong and growing power imbalances resulting in political, economic and geographic marginalisation. This will hinder the realization of the right to food for all.
11. *What would be the most optimal implementation process of the Summit's outcomes? Which international and regional frameworks or forums could serve as a useful platform? Please explain.*
 - a. Overall, it is important to mention that while there could be positive outcomes of the summit here and there, they clearly have to be assessed **in the light of negative outcomes**, like more undue influence of private corporate actors in global food governance and/or a weakening of the CFS.

b. For FIAN Germany, the **political support and public unconditional funding** of the key global governance structures that are mandated with the support of the realization of the right to food, namely the CFS and the UN human rights system, would be a positive outcome.

12. *How do you envisage your role in the implementation of the Summit's outcomes?*

a. We will **not participate** in the implementation of the Summit's outcomes, but monitor and challenge its implementation where needed – all with a special focus on the role of Germany (state and other actors).