



**Contribution of Mr. Olivier De Schutter
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**17th session of the UN Commission on Sustainable Development
(CSD-17)**

4-15 May 2009, New York



The right to food and a sustainable global food system

SUMMARY

The 2008 food prices crisis has put agriculture back on the global agenda. The financial and economic crises have in the meantime overshadowed the food crisis, yet important reorientations are currently being discussed. This is very welcome, as agriculture had been neglected for too long. However, there is a risk that, in the name of raising production, the need for both socially and environmentally sustainable solutions will be underestimated. Crucial choices must be made today to solve this crisis and design more sustainable food systems for the 21st century, able to cope with climate change and declining natural resources. The right to food framework can assist in guiding States to remain on the right track. This note explores the implications of the right to food framework for the themes on the agenda of the CSD and concludes with recommendations for CSD-17.

With its thematic focus on Agriculture, Rural development, Land, Drought, Desertification, and Africa for its 17th session, the Commission on Sustainable Development has a unique role to play in addressing the issue of hunger and malnutrition. There are indeed clear gaps in the global governance of our global food system, which needs strong reorientation in order to become sustainable and fulfill the human right to food for all. **Sustainable development and the rights-based approach go hand in hand. Connecting them is urgent. 2009 should be remembered as the starting point of a new decline in the number of the hungry, and the CSD session of May 2009 should be a milestone in this shift.**

The right to food framework can assist in making the right choices

At the High-Level Meeting on Food Security for All convened in Madrid on 26-27 January 2009, the UN Secretary General Ban Ki-Moon clearly expressed the emerging consensus that the right to food should guide reactions of the international community to the global food crisis, and serve 'as a basis for analysis, action and accountability'. I am equally convinced that the right to food framework can constitute an important tool governments can rely on in order to meet the considerable challenge we are currently facing. The right to food should be seen as serving these efforts both by improving the accountability of governments – thus ensuring that their policies remain constantly guided by the need to alleviate hunger and malnutrition – and by building the resilience of the most vulnerable, whether against policy changes or internal or external shocks^{1,2}.

In responding to the global food crisis, it is easy to move from the symptom – prices which have suddenly peaked – to the cure – produce more, and remove as soon as possible all supply-side constraints –. Once we define the objective, namely the realization of the right to food, we must ask a very different set of questions: will the measures we adopt to boost production benefit those who are food insecure, or will they simply mean a return to low prices, which will only further discourage small-scale farmers and marginalize them further? are these measures addressing the needs of all those who are in a situation of food insecurity and vulnerability? will these measures reduce, or instead increase, the dualization of the farming sector?

The right to adequate food is a human right stated in the Universal Declaration of Human Rights. It is further made explicit by the International Covenant on Economic, Social and Cultural Rights, which protects the right to food as part of the right to an adequate standard of living and guarantees a

¹ 'Building resilience: a human rights framework for world food and nutrition security', Report to the Human Rights Council in accordance with resolution S-7/1, adopted by the Human Rights Council on 22 May 2008 at its Special Session on the global food crisis (UN doc. A/HRC/9/23, 8 September 2008) <http://www.srfood.org/index.php/en/documents-issued>

² Speech at the Interactive Thematic Dialogue of the U.N. General Assembly on the Global Food Crisis and the Right to Food. 6 April 2009, New York <http://www.srfood.org/images/stories/pdf/otherdocuments/15-srtrfstatementpanelrf-06-04-09.pdf>

fundamental right to be free from hunger. In 2004, the entire FAO membership (191 States) accepted the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, which provide clear guidance on the implementation of the right to food at a national level. At least 20 States in the world today recognize the right to food in their constitutions, including Brazil, India, South Africa, or more recently Ecuador and Bolivia. Many others are making great progress towards the implementation for these guidelines, such as Guatemala or Mozambique.

The rights-based approach clearly ought to be an essential component of a sustainable development approach of the issue of hunger and malnutrition. Indeed, environmental degradation or extreme climatic events directly impact the most vulnerable groups such as smallholder farmers, as they directly depend upon their natural environments for their livelihoods. The rights-based approach consequently puts the protection of these resources at the centre of its action, and insists on the necessary participation of these vulnerable groups in the policies that affect them.

Implications for the topics explored by the CSD

1 Reinvestment in agriculture and the African 'Green Revolution'

I unreservedly support the message from the Chairperson of CSD-17, H.E. Gerda Verbrug, who highlights the negative impact of the long period of neglect of agriculture by governments and international organizations, and the need to overcome it³. This reinvestment is necessary, and it must be thought out seriously. Recent international efforts as well as the experience gained from the crisis made it abundantly clear that the question is not merely of increasing the budgets allocated to agriculture. The key issue is, rather, which model of agricultural development should be promoted.

The Windhoek High-level Meeting "African agriculture in the 21st Century: Meeting Challenges, Making a Sustainable Green Revolution" (Namibia, 9-10 February 2009) confirmed the renewed interest for a comparison of the best models of agricultural development. It was confirmed there that the Green Revolution model needed to be clarified and that the procurement of high-yielding seeds and fertilizers was one model amongst others, with advantages and drawbacks that should be carefully considered. It was also affirmed that the potential of other models had been clearly established, such as conservation agriculture or agroecological approaches, and other food systems options. Similar discussions were held during the Multistakeholder Consultation on the African 'Green revolution' convened under the auspices of my mandate⁴.

The nature of the choice to be made between different models of agricultural development must be correctly understood. These different approaches can, under certain conditions, be complementary at the crop field level: a very careful combination of fertilizers and agro-forestry, for instance, is successfully promoted in some regions. At the level of public policy however, it is a pre-requisite for a balanced approach that we start by acknowledging the very existence of several models. The fact that these models lead to different development paths should also be discussed. Indeed, they may have very different impacts on the right to food by affecting different groups differently. In a context of fierce competition for scarce resources such as land, water, investment, human resources, the implications of supporting one paradigm over the others must be taken seriously. The Windhoek High-Level Ministerial Declaration expresses this clearly: '*Governments, in cooperation with the research community and with support from the international donor community, should undertake rigorous comparative assessments of alternative agricultural models and cropping systems*'⁵. This should be seen as complementing the 2003 Maputo Declaration target of raising the share of national budgets devoted to agriculture and rural development to at least 10%. Indeed, the progressive realization of the right to food is not merely an issue of raising the budgetary allocation for agricultural development. It

³ Message from the Chairperson of CSD-17, H E Ms Gerda Verburg Kingdom of the Netherlands
http://www.un.org/esa/dsd/csd/csd_csd17_burechairmess.shtml

⁴ The Human Right to food and the Challenges facing an African 'Green Revolution', Statement of the Special Rapporteur on the right to food, March 13th, 2009 <http://www.srfood.org/index.php/en/areas-of-work/agrifood-paradigms>

⁵ http://www.un.org/esa/dsd/susdevtopics/sdt_pdfs/meetings/hml0209/Windhoek_final_declaration.pdf

also requires that Governments opt for the orientations more conducive to the realization of the right to food, by carefully balancing the existing options against one another.

Our understanding of the best options for a reinvestment in agriculture has significantly improved. Almost sixty governments have approved the conclusions of the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) during an Intergovernmental Plenary that was held in Johannesburg in April 2008. The IAASTD, a four years process initiated by the World Bank and the FAO, involved 400 experts from all regions. It calls for a fundamental paradigm shift in agricultural development, noting that '*successfully meeting development and sustainability goals and responding to new priorities and changing circumstances would require a fundamental shift in [agricultural knowledge, science and technology], including science, technology, policies, institutions, capacity development and investment.*' The IAASTD conclusions provide the international community with much needed guidance during a period of crisis^{6,7}. The UNEP, the FAO and UNCTAD have all recently published reports that demonstrate how models of sustainable agriculture should and could be scaled up.

We must therefore consider the range of options available to us, and balance them against each other. It is in this context that the right to food framework could assist in guiding governments towards making the right choices. This framework requires that we prioritize the needs of the most vulnerable; that we define our benchmarks not only by the levels of production achieved, but also by the impacts on the right to food of different ways of producing food; and that we make decisions about agriculture and food based on participatory mechanisms.

2. An enabling environment market access and sustainable food chains

The Chairperson of the CSD-17 identifies the need to create an 'enabling environment' as another field where measures are needed. This is indeed crucial, and the three other fields identified in her message can be linked to it: 'sustainable value chain development', 'market access' and 'food security and safety net mechanisms'.

Indeed, strong and well-targeted investment in agriculture will not suffice. Smallholder farmers, which are the first vulnerable food insecure group (50% of the hungry), will only be able to improve their situation in a favourable economic and socio-political environment. Efforts by agronomists will be pointless if the right institutions, regulations and accountability mechanisms are not established and implemented. We must build an enabling environment which should be more about "how to help the world feed itself" than "how to feed the world".

The constraints to rural development at the local level have widely been identified by the IAASTD. As to the FAO Voluntary Guidelines for the progressive realization of the right to adequate food in the context of national food security, they emphasize the need for States to put in place national strategies mapping the groups which are most vulnerable, clearly allocating responsibilities across different branches of government, setting benchmarks and imposing timeframes, and empowering independent institutions, including courts, in order to enhance accountability.

At the global level, two issues for which improved global governance is needed must be highlighted:

- *Market access and trade.* Access to markets and remunerative prices are a crucial condition for smallholder farmers and their communities to escape hunger. The current multilateral trading system is heavily skewed in favor of a small group of countries, and is in urgent need of reform. In agriculture, in particular, trade-distorting measures – obstacles to market access for developing countries, domestic support schemes for OECD countries' farmers, and export subsidies – have led many smallholder farmers to deeply unfavorable situations. Yet, simply removing the existing distortions will not suffice. If trade is to work for development and to

⁶ Guidance in a Time of Crisis: IAASTD and the Human Right to Food Message for the Side-event to the UN CSD Intergovernmental Preparatory Meeting "Enabling Policies for Development and Sustainability from the IAASTD" New York, February 25th, 2009

⁷ IAASTD (2008) Executive Summary of the Synthesis Report and Summary for Decision Makers of the Global Report, approved in detail by Governments attending the IAASTD Intergovernmental Plenary in Johannesburg, April 2008 <http://www.iaastd.com/>

contribute to the realization of the right to adequate food, it needs to recognize the specificity of agricultural products, rather than to treat them as any other commodities; and to allow more flexibilities to developing countries, in order to shield their agricultural producers from the competition from industrialized countries' farmers.⁸

- *Regulation of global food chains.* Trade is mostly done not between States, but between transnational corporations. If our collective aim is a trading system that works for development, including the human right to food, the role of these actors also must be considered. The expansion of global supply chains only shall work in favor of human development if this does not pressure States to lower their social and environmental standards in order to become 'competitive States', attractive to foreign investors and buyers. All too often, at the end of agrifood supply chains, agricultural workers do not receive a wage enabling them a decent livelihood. The ILO estimates that the waged work force in agriculture is made up of 700 million women and men producing the food we eat but who are often unable to afford it. This is unacceptable. We should ask ourselves, for instance, how the relevant ILO conventions could be better implemented in the rural areas – which all too often labor inspectorates are unable to monitor effectively – and how those working on farms, often in the informal sector, can be guaranteed a living wage, and adequate health and safety conditions of employment. Consequently, the international community should aim to adopt incentives and regulations to ensure that transnational agri-food companies contribute to the sustainable development of the countries they source from, and to the realization of the human right to food.

3. Land

Prior to its 17th session, the Commission identified access to land and security of tenure as one of its priority for future work. I welcome this decision, as it is an overshadowed aspect in the global discussions on the food crisis. Improved security of tenure and more equitable access to land are indispensable for the realization of the right to food because 50 % of those who are hungry are smallholders who live on less than two hectares, and 20 % are landless labourers. Access to land is crucial for them, and must be for us. Sustainable access to land encourages more sustainable farming, particularly by the planting of trees, and more responsible use of the soils and water resources. This in turn results in improved nutrition and health: fruit trees are sources of vitamins and proteins, medicine trees of health remedies. It improves biodiversity and facilitates adaptation to climate change, as farming systems including trees are more resilient to climate extremes.

Providing landowners or land users with security against eviction also enables the development of small-scale agriculture, which is highly productive per hectare and, because it is labour intensive, is a source of rural employment. This should not be underestimated in this period of economic crisis, as many countries face waves of return of immigrants on top of important urban unemployment. In that respect, lessons from the past must not be forgotten. Equitable land distribution has been proven crucial in many countries for the long periods of stable economic growth and poverty alleviation. Land reform with a strong redistributive component has been an important element of the development path of several countries.

We face three challenges as far as smallholder farmers' access to land is concerned: protecting the security of land tenure, promoting land reform, and tackling transnational large-scale acquisition of land. Responses grounded in human rights will be more effective – more responsive to the needs of the poorest and more sustainable. States indeed have an obligation to respect, protect and fulfil the right of access to productive resources, as an essential condition for the realization of the right to food. This is expressed in Guideline 8.1 of the Voluntary Guidelines on the right to food.

⁸ Further implications of recognizing the right to food in the organization of the global trade of agricultural products have been detailed in my report on the World Trade Organization. See A/HRC/10/5/Add 2, 9 March 2009, available on <http://www.srfood.org/index.php/en/areas-of-work/trade>

Recommendations

In my view, the CSD has a unique contribution to make to the current discussions about the future of agricultural development. Consistent with the emerging consensus that increasing agricultural production must go hand in hand with increasing the incomes of the poorest, particularly small-scale farmers, and switching to modes of production which do not contribute to climate change, the CSD could consider, in its vision statement,

1. Reaffirming the need, not only to increase food production, but to reorient agro-food systems and the regulations that influence them at national and international levels, towards sustainability and the progressive realization towards the right to food.
2. Reaffirming the conclusions of the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) on the need for a paradigm shift in agricultural science, policies and institutions.
3. Anticipating the effects of climate change on agricultural and agro-food systems, and warning the international community of the need to encourage a diversity of resilient agricultural systems able to cope with climate disruptions, including agroecological systems.
4. Calling for a World Food Summit with a comprehensive agenda in order to encourage the international community to address the structural causes of food insecurity and fill in the gaps of the currently fragmented global governance (including the issues of insufficient or inadequately targeted investments in agriculture ; unregulated markets which do not guarantee stability and remunerative prices ; speculation on the futures markets of agricultural commodities ; weak protection of agricultural workers ; and adequate regulation of the agrifood chain)

The CSD could also, in its negotiated policy decisions,

5. Promote the adoption of national right to food strategies, following the FAO Voluntary Guidelines on the progressive realization of the right to adequate food, in order to design and implement at national level comprehensive strategies aiming at sustainable food systems, including production, transformation and consumption.
6. Take leadership into encouraging States and international organizations to implement the conclusions of the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD); and explore the options to equip the international community with a permanent independent expert body which could regularly update the IAASTD conclusions.
7. Encourage States and international organizations to compare the various agricultural development models, in order to ensure that scarce resources such as land, investment and human resources are used to support the models that are most sustainable.
8. Contribute to improve the recognition of small holders' access to land issues by the international community by: 1) including the Guideline 8.1 of the Voluntary Guidelines on the right to food as a strong reference in the measures and actions promoted by the Commission ; 2) emphasizing the essential role of agrarian reform (redistribution of land) in the realization of basic human rights, food security, and sustainable agriculture ; 3) encouraging donor countries and international institutions to support countries which engage in agrarian reforms ; and 4) calling for the adoption of international guidelines on large-scale offshore acquisitions of land.

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Prof. De Schutter was appointed the UN Special Rapporteur on the right to food in 2008 by the United Nations Human Rights Council. He is independent from any government or organization and serves in his individual capacity. Mr. De Schutter can be reached at srfood@ohchr.org.

*For further information, see
www.srfood.org and www2.ohchr.org/english/issues/food/index.htm*