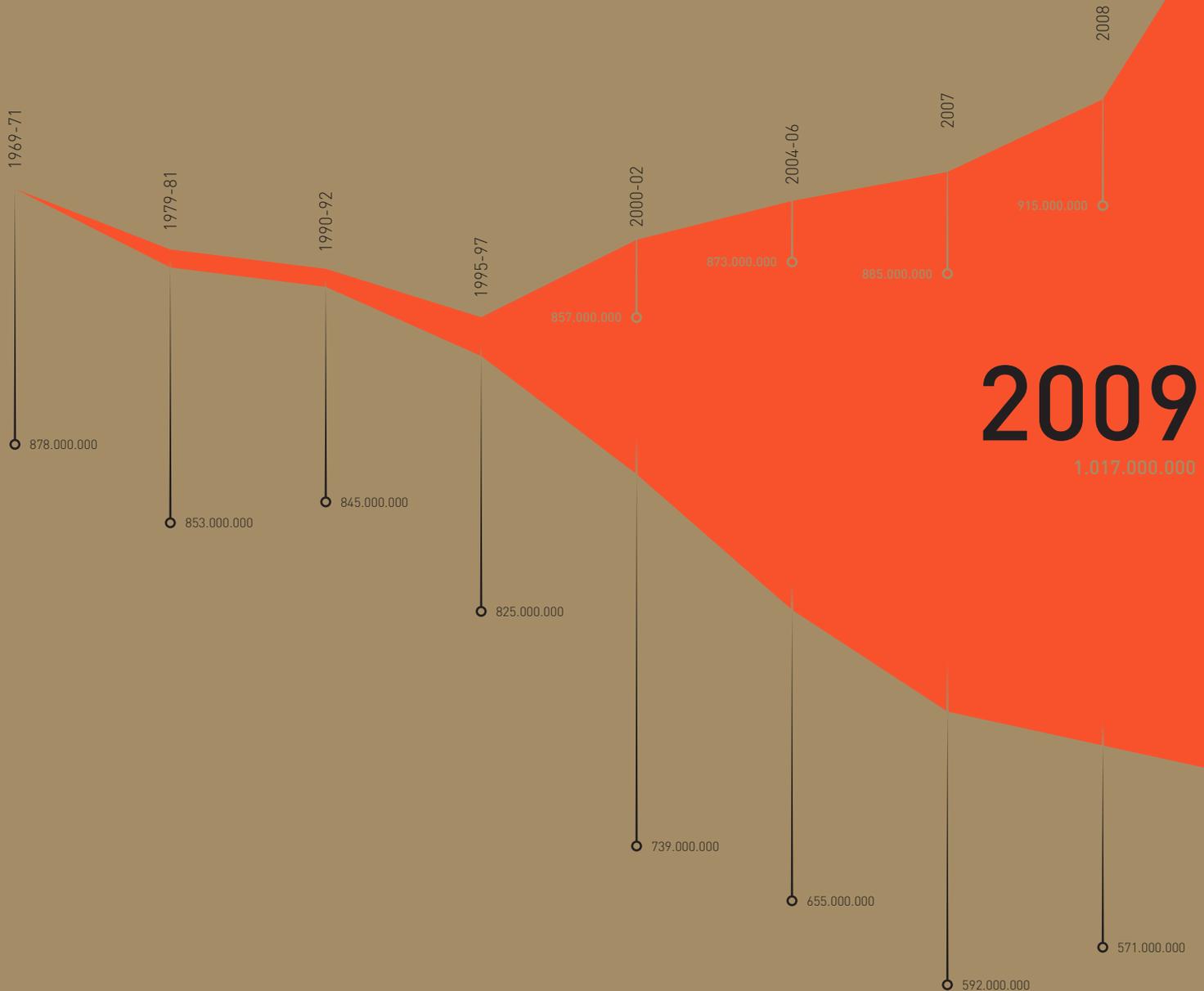


RIGHT TO FOOD AND NUTRITION WATCH

WHO CONTROLS THE GOVERNANCE
OF THE WORLD FOOD SYSTEM?



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RIGHT TO FOOD
AND NUTRITION
WATCH

2009

WHO CONTROLS THE GOVERNANCE
OF THE WORLD FOOD SYSTEM?

CONTENTS

LIST OF ABBREVIATIONS	05
------------------------------	----

PREFACE	07
----------------	----

INTRODUCTION	08
---------------------	----

THEMATIC PART: WHO CONTROLS THE GOVERNANCE OF THE WORLD FOOD SYSTEM?

01 Governing World Food Security: A New Role for the Committee on World Food Security Olivier De Schutter	11
---	----

02 Governance of the World Food Systems An Interview with David Nabarro and Flavio Valente	16
---	----

03 Follow-up to the Crisis of Soaring Food Prices Stineke Oenema	21
---	----

04 The Global Food Crisis and the Right to Food Via Campesina	24
--	----

05 Commercialising Young Child Feeding in the Globalised World: Time to call for an end! Arun Gupta	27
---	----

06 Disappearing Peasants, Disappearing Land Joseph Schechla	30
--	----

**NATIONAL AND REGIONAL PART:
MONITORING THE HUMAN RIGHT TO FOOD AND NUTRITION**

07	BENIN . Current Status of the Implementation of Some of the FAO Voluntary Guidelines	35
08	BRAZIL . The Right to Food: Parallel Report by Brazilian Civil Society	39
09	BRAZIL . The Criminalization of Poverty: A Report on the Economic, Social and Cultural Root Causes of Torture and Other Forms of Violence	44
10	CAMBODIA . Land and Housing Rights: Parallel Report 2009	49
11	GUATEMALA . Strategies for the Realization of the Right to Food	53
12	INDIA . Fuelling Poverty? An Agro-Fuel Watch Guideline	56
13	KENYA . Taking these Rights Seriously: Civil Society Organisations' Parallel Report	60
14	NICARAGUA . The Right to Food and the Fight Against Hunger: One Year of the Zero Hunger Program	63
15	UGANDA . The Right to Food of Milk and Maize Farmers: Report of an Investigative Mission	67
16	ZAMBIA . The Right to Food of Milk and Honey Farmers: Report of an Investigative Mission	71
	CLOSING REMARKS	74

CONTENTS OF CD

THEMATIC PART:

- 01 Governing World Food Security: A New Role for the Committee on World Food Security
Full article: Contribution of Mr. Olivier De Schutter, Special Rapporteur on the right to food, 2nd meeting of the Contact Group to support the Committee on World Food Security (CFS) 22 May 2009
- 02 Governance of the World Food Systems.
No additional texts
- 03 Follow-up to the Crisis of Soaring Food Prices
Full article
- 04 The Global Food Crisis and the Right to Food
Full statement
- 05 Commercialising Young Child Feeding in the Globalised World: Time to call for an end!
Full article
- 06 Disappearing Peasants, Disappearing Land
Full article

ADDITIONAL INFORMATION:

- *Case Study Reflection. Using human rights as Practical Framework for Country-Level Assessment and Programming to end Hunger (also available in French)*
- *Protecting, Promoting and Supporting. Continued Breastfeeding from 6–24 + Months: Issues, Politics, Policies & Action, Food Security from the Start of Life, including A Prevention Project for Malnutrition in Chiapas, Mexico*

NATIONAL AND REGIONAL PART:

- 07 **BENIN** . *Full report (only available in French): Droit à l'Alimentation au Benin: Etat des lieux de l'application de quelques directives volontaires de la FAO*
- 08 **BRAZIL** . *Full report (also available in Portuguese): A Shadow Report by Brazilian Civil Society on the Brazilian State's Compliance with the International Covenant on Economic, Social and Cultural Rights*
- 09 **BRAZIL** . *Full report: The Criminalization of Poverty - A Report on the Economic, Social and Cultural Root Causes of Torture and Other Forms of Violence in Brazil*
- 10 **CAMBODIA** . *Full report: Land and Housing Rights in Cambodia - Parallel Report 2009*
- 11 **GUATEMALA** . *Full report (only available in Spanish): Informe Alternativo del Derecho a la Alimentación en Guatemala 2008 – Informe de Monitoreo de las Directrices Voluntarias para el Derecho a la Alimentación*
- 12 **INDIA** . *Full report: Fuelling Poverty? An Agro-Fuel Watch Guideline*
- 13 **KENYA** . *Full report: Taking these Rights Seriously: Civil Society Organisations' Parallel Report to the Initial State Report of the Republic of Kenya on the Implementation of the International Covenant on Economic, Social and Cultural Rights*
- 14 **NICARAGUA** . *Full report (also available in Spanish): The Right to Food and the Fight Against Hunger in Nicaragua: One Year of the Zero Hunger Program*
- 15 **UGANDA** . *Full report: The Right to Food of Milk and Maize Farmers: Report of an Investigative Mission to Uganda*
- 16 **ZAMBIA** . *Full report: The Right to Food of Milk and Honey Farmers: Report of an Investigative Mission to Zambia*

LIST OF ABBREVIATIONS

CBO	Community Based Organisation
CESCR	Committee on Economic, Social and Cultural Rights
CFA	Comprehensive Framework for Action
CFS	Committee on World Food Security
CSO	Civil Society Organisation
EAC	East African Community
EC	European Commission
ECOWAS	Economic Community of West African States
EPA	Economic Partnership Agreement
ESCR	Economic, Social and Cultural Rights
EU	European Union
FAO	UN Food and Agriculture Organization
GMP	Genetically Modified Product
GPAFNS	Global Partnership for Agriculture and Food and Nutrition Security
GDP	Gross Domestic Product
HLPE	UN System High Level Panel of Experts
HLTF	UN System High Level Task Force
IAASTD	International Assessment of Agricultural Knowledge Science and Technology for Development
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
IFAD	International Fund for Agricultural Development
IFPRI	International Food Policy Research Institute

IIED	International Institute for Environment and Development
ILO	International Labour Organization
IMF	International Monetary Fund
MDG	Millennium Development Goal
MSF	Médecins Sans Frontières
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
OMCT	World Organisation Against Torture
PRSP	Poverty Reduction Strategy Paper
RUF	Ready to Use Food
RUTF	Ready to Use Therapeutic Food
SAM	Severe Acute Malnutrition
SAP	Structural Adjustment Programme
SCN	UN Standing Committee on Nutrition
UN	United Nations
UNCTAD	UN Conference on Trade and Development
UNICEF	UN International Children's Emergency Fund
UNOHCHR	UN Office of the High Commissioner for Human Rights
WFP	World Food Programme
WFS	World Food Summit
WHO	UN World Health Organization
WTO	World Trade Organization

PREFACE

Close and continuous monitoring of governmental and inter-governmental policies, as well as public conduct, with respect to the realisation of the right to food, is an essential tool to hold governments and the international community accountable. National and global political decisions that fail to take the human rights obligations of states and intergovernmental organisations into account are among the main reasons why hunger in the world not only persists, but is also currently on the rise. Public pressure can be a powerful means of holding governments and intergovernmental bodies accountable for their policies and programmes, and to assess the degree to which states are meeting their obligations to respect, protect and fulfil the human right to adequate food of every person. To be effective, public pressure needs to be evidence-based, hence the importance of monitoring tools, such as this WATCH, to disseminate relevant information to a broad audience.

Human rights and other advocacy groups act as “watchdogs” to monitor state and intergovernmental policies in the context of their obligations to the realisation of the right to food. Article 11 of the International Covenant on Economic, Social and Cultural Rights, the related General Comment 12, and the “Voluntary Guidelines to Support the Progressive Realisation of the Right to Adequate Food in the Context of National Food Security”, all provide detailed criteria on which to base monitoring of the implementation of public policies and the fulfilment of states’ obligations. A suitable monitoring mechanism should help to assess the progress of the implementation of the right to food and detect violations or situations that increase the risk of violation. There is currently no regular international publication that monitors food as a human right, keeps track of patterns of violations, or investigates their impacts. The Right to Food and Nutrition Watch, as an annual publication, is intended to fill this gap.

The aim of the WATCH, by undertaking an international review and monitoring states’ actions and omissions related to the realisation of the right to food, is two-fold: put pressure on policy makers at the national and international levels to take the human right to food into account, and provide a systematic compilation of the best practices for the realisation of the right to food, while documenting where violations have taken place. It is intended that the WATCH will provide a platform for human rights experts, civil society activists, social movements, media, and scholars, to exchange experiences, to learn from each other how best to carry out right to food work in different settings, and to lobby and advocate for this right.

The partners responsible for the Right to Food and Nutrition WATCH aim for an open and collective process. We would like to invite all interested organisations, groups and individuals to participate. For further information on how to contribute to the WATCH in the future, please contact the editorial team at the FIAN International Secretariat. It is our hope that this issue of the WATCH will inspire and motivate you to join the fight for the right to food, or renew your efforts, as the case may be.

Yours sincerely,

Michael Windfuhr

Human Rights Director
Brot für die Welt

Stineke Oenema

Policy Officer Food Security
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Irio Luiz Conti

President
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INTRODUCTION

In late 2007 and early 2008, a surge in the number of hungry, especially in urban sectors, due to an acute rise in staple food prices, resulted in the hunger issue being headlined in the most important media and communication channels. Special attention was given to food riots in more than 30 countries, pointing to political instability. The capacity of international markets worldwide to guarantee access to food at adequate prices was being questioned. With the onset of the global financial crisis in mid-2008, the world food crisis was pushed aside in international and even national political agendas. Trillions of dollars were allocated to save banks, insurance companies and the assets of bankrupt multinational corporations. However, only 10 to 15 percent of the 20 billion dollars, pledged in June 2008 at the High Level Food Security Conference in Rome in support of smallholder agriculture in developing countries, has actually been allocated. Most of the allocated funds went to food assistance.

Despite record grain crops worldwide, the number of undernourished people in the world reached in 2009, the historically high figure of 1.02 billion people, about 100 million more than in 2008. The international community and national governments are painfully far from realising the Millennium Development Goal target of reducing by half the proportion of hungry people in developing countries by 2015. It is clear that the global governance of the World Food System needs to be remodelled in order to effectively alleviate hunger.

As part of attempts to overcome the so-called world food crisis, several new initiatives towards improved governance of the world food system were begun. UN Secretary General instituted the High Level Task Force on the Global Food Crisis to promote improved coordination of UN agencies and Bretton Woods institutions in their actions to reduce hunger. The G8 proposed establishing a Global Partnership for Agriculture Food Security and Nutrition, involving relevant stakeholders, including the private sector, to improve the delivery of funds to the most affected countries. More recently, a large group of Governments, under the leadership of the G77, has started a process towards the revitalization and broadening of the Committee on World Food Security (CFS).

Eyes are now focused on the reform of the Committee on World Food Security and on the World Food Summit to be held in Rome later this year. The intention is to transform the CFS into a global body in charge of facilitating at international and national levels the coordination of governmental and intergovernmental action for food security. The Summit will hopefully result in greater coherence in the global governance of the world food system through the improvement of policies and structural aspects of the international agricultural system.

Many questions remain. How far will the right to food be incorporated in the new governance mechanisms? How much participation of representatives of those most affected by hunger and malnutrition will be guaranteed in the revised governance mechanisms? How much priority will be given to policies geared at reaching those most affected in a way that they are effectively and sustainably included in the productive process, such as through support to small holder farmers? Will governments accept the responsibility of establishing a global strategy against hunger, with clear benchmarks, goals, timelines and allocation of funds? Will governments institute monitoring mechanisms that result in increased accountability at national and international level?

With the intention of providing inputs into the global debate, this issue of the Right to Food and Nutrition WATCH focuses on the question ‘Who Governs the World Food System’. Articles written by experts in the areas of food, nutrition and agriculture, as well as the transcript of an interview, focus on this question by providing conceptual insights into relevant issues related to this theme and by discussing the reasons why the present world food system has proven unsuccessful in eradicating hunger and severe malnutrition. A central issue is how much any of these processes should be carried out within the framework of the promotion of the realization of the human right to adequate food. Civil society, social movements and the UN Special Rapporteur on the Right to Food present concrete proposals on how the new governance system can be shaped within the right to food framework. Among the root causes of hunger are appropriation of farm lands for different “development” purposes and the expanded production of industrialised foods that are theoretically aimed at reducing malnutrition, but, in reality, lead to more hunger. Potential roles are identified for the Committee on World Food Security and the High Level Panel for Experts on Food Security and Nutrition to play in improving global governance for food security. Articles in the first section also provide insights into how civil society organisations, human rights experts, academic institutions and individuals can use the WATCH as a tool to lobby and advocate for the human right to adequate food.

Part two of this issue of the WATCH contains summaries of national and regional reports that monitor the fulfilment of the human right to food in Benin, Brazil, Cambodia, Guatemala, India, Kenya, Nicaragua, Uganda and Zambia. Lastly, a new section with concluding remarks is included to draw conclusions from the articles and provide information on recent developments related to the central theme. The enclosed CD provides the full content of the reports and additional information.

Flavio Valente

Secretary General

FIAN International

THEMATIC PART:
WHO CONTROLS
THE GOVERNANCE
OF THE WORLD
FOOD SYSTEM?

GOVERNING WORLD FOOD SECURITY: A NEW ROLE FOR THE COMMITTEE ON WORLD FOOD SECURITY¹

Olivier De Schutter, UN Special Rapporteur on the Right to Food

¹ The UN Special Rapporteur on the right to food has presented several reports and statements related to the topic of this article, among them: "Building Resilience: a human rights framework for world food and nutrition security" (Report to the Human Rights Council, September 2008); "Taking the Right to Food Seriously" (Statement after the High-Level Meeting on Food Security for All in Madrid, 26-27 January 2009); and "Mission to the World Trade Organization" (Report presented to the Human Rights Council, March 2009). The full report "Contribution of Mr. Olivier De Schutter, Special Rapporteur on the right to food, 2nd meeting of the Contact Group to support the Committee on World Food Security (CFS) 22 May 2009", Rome, is available on the CD enclosed, or at <http://www.srfood.org/index.php/en/documents-issued/other-documents-issued>. This summary has been prepared by the WATCH Editorial Board.

Summary

This note presents a brief assessment of the reasons for our failure to eradicate hunger and severe malnutrition. Five reasons for this failure are listed: (i) lack of adoption of a more holistic view about the causes of food insecurity, beyond increasing agricultural productivity, (ii) failure of global governance to overcome existing fragmentation of effort, (iii) incomplete understanding of how to work in certain areas that have an impact on achieving food security for all, (iv) failure to follow up on commitments due to a lack of accountability, and (v) insufficient national strategies for the realization of the right to food at the domestic level.

To improve global governance of world food security, three core functions of the Committee on World Food Security (CFS) are proposed: coordination, learning, and monitoring progress. The CFS should be transformed into a platform in which governments, international agencies, and civil society organizations can jointly augment their understanding of what needs to be done, and improve the accountability of both the international community and national governments. The CFS should monitor time-bound targets and guidelines, be revised at regular intervals, set clear benchmarks for action, and track progress made at national and international levels.

Introduction

We know what contributes to hunger and malnutrition: highly unequal income distributions; inadequate social protection schemes; weak protection of agricultural workers; gender, ethnic and other types of discrimination; increasingly dualistic farming systems under which smallholders find it difficult to survive from farming; poor connection to markets; high input prices; insecure land tenure systems and unequal access to resources. Additionally, there is the list of large-scale contributors: failure to adequately regulate the food chain, inequitable international trade systems, unregulated markets which do not guarantee remunerative prices, insufficient or inadequately targeted investments in agriculture, and speculation in future markets of agricultural commodities. These causes reflect the absence of the recognition of the right to food and of the need for appropriate mechanisms to ensure that the right to food is complied with.

Yet, it is reasonable to suggest that these different causes are now better understood, and that we know, in large part, how to address these obstacles to achieve the realisation of the right to food, even if, up until now, we have collectively failed to make significant progress in overcoming them. We need now to understand what went wrong, and what can be done to change this.

Understanding the Current Governance Situation

Our failure to take decisive action to eradicate hunger and extreme malnutrition is due to a combination of five factors. First, while hunger stems from a large number of causes, many efforts have focused exclusively on producing enough food to feed the world, paying too little attention to the political economy of hunger, particularly to questions of accessibility and equity, the effects of marginalisation and disempowerment of certain population groups, as well as imbalances in the food system. We now understand hunger and malnutrition in a much more holistic way – and we see the fight against them as requiring collective action in areas other than agriculture, rural development and food aid.

Secondly, global governance of world food security is fragmented. Various UN agencies (including ILO, the World Bank and the IMF) provide policy guidance to countries on the various issues listed above, while the World Trade Organization (WTO) offers technical advice on multilateral trade negotiations. This often results in conflicting advice given to countries, as each agency tends to concentrate on furthering its own area of specialization without coordinated policy advice necessary

to address issues in a comprehensive way. Coordination among these agencies needs urgently to be improved, so that their efforts are channeled towards the overarching goal of combating hunger and severe malnutrition. Equally important is to enhance the legitimacy and ownership of their policy recommendations by establishing strong partnerships with governments and civil society organisations. International agencies, governments, and civil society organisations need to act together to improve the consistency of efforts to combat hunger, and as a result, put a higher price tag on non-cooperative behaviour.

Thirdly, there is still no consensus on a range of issues that need to be addressed. For example, we know that the neglect of agriculture in public policies and lack of development cooperation during the period of 1980-2007 was a mistake. Modes of agricultural development have too often favoured large-scale plantations, without significantly benefiting smallholders. We know that social safety nets must be improved and greatly expanded, as it is now much better understood how to manage food aid, in order to maximise its contribution to food security while avoiding its potentially negative impacts. We now recognise the contribution improved accountability can make to food and nutrition security through the recognition of the right to food and the adoption of national strategies for the realisation of the right to food. We are learning from past mistakes which is resulting in misguided policies being remedied or abandoned. However, other potential causes of hunger and malnutrition remain contested or are not being addressed at all. For instance, the relationship of agro-fuel production to food security remains controversial. The impact on the right to food of different modes of agricultural development also remains the subject of intense debate, as well as how international trade and global stock levels should be managed. No systematic international effort has yet been made to consider what needs to be done now to ensure the sustainability of food supplies in the long-term and prevent the degradation of natural resources. Regarding these and other issues, we must improve our ability to learn, and to learn at a quicker pace.

Fourthly, political will has been insufficient to remove the structural causes underlying hunger. Commitments remain vague without any government or institution being held accountable for specific actions, while no follow-up has been organised at the international level other than to report on the number of hungry.² This is often aggravated by imperfect coordination within the government sector due to a lack of strong leadership from the highest level of government. Accountability by governments must be improved by setting clear policy objectives and time-bound goals and through regular monitoring of progress that has been made.

2 The bi-annual reporting to the CFS, on the implementation of the World Food Summit (WFS) Plan of Action, under Commitment Seven (Objective 7.3) in particular, has lacked the required effectiveness. This is primarily attributable to first, the fact that governments were not asked to specify targets to be achieved within defined timeframes, and second, to the inability of the CFS to effectively follow-up on the reports submitted.

Fifthly, national right-to-food strategies remain largely insufficient. A handful of governments have set up accountability mechanisms to protect the right to food. Smallholder farmers are all too often marginalised from public policies, as a result of both political disempowerment and mistaken assumptions by policy-makers that small-scale agriculture is less productive than large-scale plantations. Rather than strengthening their agricultural sector and the local food chains, many governments have centred their efforts to achieve food security on importing low-priced foods from international markets, paid for by revenues gained by exporting raw commodities abroad. Agricultural workers are insufficiently protected, particularly regarding their right to a living wage, their right to collective bargaining, and their right to health and safety at work. Only a small number of governments have established well-functioning social protection schemes, shielding the most vulnerable from increases in food prices. More incentives must be created in order to ensure that participatory strategies are established at the national level which ensure swift progress towards the realisation of the right to food, and which focus efforts on the most vulnerable (small-scale farmers, landless laborers, and the urban poor).

The Governance Role of the Committee on World Food Security

To combat hunger and malnutrition through better global governance, a renewed Committee on World Food Security (CFS) should fundamentally aim at overcoming the obstacles mentioned above by assuming three core functions: coordination, learning, and monitoring. These in turn translate into the following five operational considerations:

a. *A platform for coordination between international agencies, governments, and civil society organizations.* The CFS should constitute a platform from which all relevant UN agencies with activities relevant to food and nutrition security, as well as the right to food, such as the ILO, the World Bank, the IMF, and the WTO, would channel their actions with the aim of improving the consistency and coherence of their policy recommendations. Of course one needs to bear in mind that not all UN agencies have the fight against hunger and malnutrition within their mandates and, thus, not all pursue it as an objective in principle. However, the inclusion of hunger and malnutrition reduction objectives in the CFS's would ensure that the efforts of the international community as a whole are consistent with these objectives. It would serve to encourage agencies to take full account of the impact the way they implement their mandates has on food security, nutrition and the right to food.

Secondly, states should be represented at a high level (including an annual meeting at ministerial level), preferably by a delegate mandated by an inter-departmental taskforce on the eradication of hunger and severe malnutrition established at national level³. Thirdly, the legitimacy of the CFS, as well as its ability to act effectively, would further be enhanced by ensuring adequate representation of civil society in accordance with the "Principles of Engagement" with civil society constituencies in global policy forums listed in para. 22 of CFS: 2008/6⁴. To ensure full representation of different constituencies, the CFS should evolve into a tri-partite structure (governments, international agencies, civil society, farmers' organisations, and human rights agencies). Although different views exist with respect to the status within the CFS of different constituencies (e.g. who should have observer status and voting rights), it should carefully be considered that there are various ways the actors involved in the CFS can contribute to the Committee's work, independently of their status.

b. *Setting goals and offering guidelines to stimulate action.* The main task of the CFS should be to monitor progress towards the achievement of time-bound goals for the eradication of hunger and other severe forms of malnutrition. A set of guidelines could be adopted by the CFS on a regular basis (e.g. every four years). These guidelines would outline what needs to be done in the short, medium and long term by both the international community and national governments. The guidelines could identify areas in which international cooperation is required to support national efforts to eradicate hunger and malnutrition⁵. The CFS guidelines would be revised regularly on the basis of the successes and failures of national and international policies. Thus, the CFS would fulfil an essential collective learning function. It seems particularly important that these CFS guidelines address the full range of obstacles to the realisation of the human right to adequate food, such as climate change and the need to move urgently to more sustainable ways of producing food; employment and social safety nets; rights of agricultural workers; education; land policies; governance of the food chain; local, regional and international trade; and food aid. Specific attention should be given to nutritional dimensions and, in particular, to the needs of children as well as of lactating and pregnant women. A link between the CFS and the UN Standing Committee on Nutrition (SCN) could be established in order to ensure that the CFS benefits from the best scientific expertise related to nutrition. Gender and the targeting of vulnerable groups should be addressed as cross-sectional issues. To the fullest extent possible, the FAO 2004 Voluntary Guidelines for the progressive realization of the right to adequate food, in the context of national food security,

3 The Groupe Interministériel pour la Sécurité Alimentaire (GISA) in France or, in Brazil, the National Council for Food Security and Nutrition (CONSEA), are examples of such institutions ensuring an inter-departmental coordination of actions at national level.

4 '...particular attention needs to be given to promoting the participation of peoples' organizations representing the sectors of the population who are most directly and dramatically affected by FAO policies and programmes in developing regions, like small farmers, fisherfolk, indigenous peoples, pastoralists, rural women, urban poor, and others. They are the constituencies which have the greatest difficulty in making their voices heard in global policy forum.'

5 The Comprehensive Framework for Action adopted by the High-Level Task Force on the Global Food Crisis is an interesting first attempt in this direction. It represents a promising way to improve accountability of national governments and mobilise action and resources, by setting practical objectives, clear timeframes and benchmarks to be achieved, and define indicators linked to each target.

should be the starting point for the elaboration of the CFS guidelines (see also below, 6). The CFS guidelines should serve to identify practical objectives, should be achieved within specified time-frames, and should adopt indicators linked to each of the targets.

c. *Monitoring of the implementation of the guidelines.* It is crucial that the CFS guidelines are followed-up by concrete actions through a four-step process covering a cycle of four years:

1. adoption of guidelines by the CFS, based on a joint assessment of which actions need to be taken in order to eradicate hunger and severe malnutrition;
2. adoption by governments and international agencies of a set of targets to be achieved. These targets should be both ambitious yet realistic within the specified time-frame; each government and agency should communicate to the CFS the targets set at national level or for the agency concerned;
3. reporting by governments and international agencies to the CFS and examination by the CFS of the progress made towards the targets announced, i.e. an iterative process. This then results in recommendations addressed to the states and agencies concerned, including recommendations to improve levels of international assistance and cooperation;
4. revision of the CFS guidelines on the basis of an assessment of the obstacles faced by states and international agencies in the achievements of set targets.

A few reactions to this initial proposal on CFS reform pointed to the need to integrate the regional efforts made towards the eradication of hunger or malnutrition, the New Partnership for Africa's Development (NEPAD) for example, and for regional development banks. The most adequate solution may be to consider that this dimension would be reflected in the national reports submitted by states, with all the relevant information concerning the contribution of regional processes to the achievement of the targets they set for themselves.

d. *The High Level Panel of Experts on Food Security and Nutrition.* The High Level Panel of Experts on Food Security and Nutrition (hereafter referred to as 'the panel') should, as its primary task, assist the CFS in fulfilling its role. It would provide the scientific expertise needed to analyse the reports submitted by states and international agencies, and to develop the guidelines on a regular basis. Since the CFS guidelines would touch not only upon agricultural production, but also upon issues such as development, gender equality, nutrition, education, trade and investment, and social protection, the composition of the Panel should be multi-disciplinary: agronomists, agricultural and development economists, nutritionists, and specialists in human rights. Regarding agricultural production and the relationship between agricultural production and environmental and social sustainability, a priority for the panel should be to assist states and international agencies in translating into concrete guidelines the evaluation presented by the International Assessment of Agricultural Science and Technology for Development (IAASTD).

e. *The role of the right to adequate food.* The right to adequate food should have an important role to play in this renewed CFS. First, in the adoption of the CFS guidelines, the ultimate objective should be the full realisation of the right to food, considered in its different dimensions. Second, since there is now a large consensus about the need to rely on the right to food as a basis for accountability, it seems clear that, as part of the proposed reporting process, the states would report on the implementation of the FAO Voluntary Guidelines for the Progressive Realization of the Right to Food. This, in turn, will provide guidance on the composition of both the CFS and the panel: the Office of the High Commissioner for Human Rights could usefully contribute to the CFS and, therefore, should be a member, especially if other UN agencies are members. This means that human rights specialists should also be included in the panel. A link with the existing human rights monitoring bodies (UN Committee on Economic, Social and Cultural Rights and Special Rapporteur on the Right to Food) could be achieved through representation of these bodies in the panel.

The above proposals are made in a constructive spirit, with a view towards contributing to the debate on the CFS reform – and not to pre-empt it. But they are also guided by the conviction that we cannot afford to miss this opportunity to rebuild the global governance of the food system. If nothing decisive is done, the number of hungry will continue to grow. We can change this, provided we make the right choices. If we fail, we will therefore share a responsibility in the continuation of an unacceptable situation.

Introduction

A teleconference was held on May 28, 2009 to discuss certain issues related to the governance of the world food systems. The discussants were David Nabarro, Coordinator of the UN High Level Task Force on the Global Food Security Crisis, and Flavio Valente, Secretary General of FIAN International. The discussion was moderated by Michael Windfuhr from Brot für die Welt.⁶

6 The interview has been edited by the Editorial Board for publication in the WATCH.

Question: *From a right to food perspective, what are the major causes of the recent world food crisis?*

Nabarro: During the recent food crisis a particular set of circumstances came together that exacerbated a long existing food crisis. Fundamentally, people's incomes and assets are very unequally distributed. Nearly a billion people lack the necessary resources to ensure adequate access to food for themselves and their families. When exposed to situations that affect either the price or the availability of food, they are unable to realise their right to food, and in the process are at risk of sickness and risk of long term physical or mental damages. Furthermore, they are unable to work to their full potential. The world is unable to provide adequate levels of social protection necessary for people to realise their right to food. The World Food Program (WFP) and many non-governmental and governmental programmes respond to extreme hunger, but deal with the hunger problem after it has appeared. Placing smallholder farmers and their communities at the centre of agricultural planning would result in food security systems in line with people's interests, taking full account of diversity in local conditions. This may be key to creating food systems that enable people to realise their right to food.

Valente: I agree with David's analysis. I would like to stress the states' obligations under human rights treaties. One can ask why the situation has not improved: in 1974 there were about 950 million hungry people in the world, today there are about 1 billion. The decisions of governments throughout this period have been inadequate, at both national and international levels. International and national policies instead of improving the situation have aggravated inequities. This is one of the principal reasons for this long-running crisis. Policy decisions were not based on human rights principles. For instance, structural adjustments that imposed conditions on small and poorer countries made them now more vulnerable to the price increases and resulted in reduced national support to the agricultural sectors, to small farmers and to social protection programmes. Policies led to more evictions, to more people being out of work and making it difficult for countries to react adequately to this crisis. Policies and especially the social safety net programmes did not apply transparent and participatory criteria, and often did not reach the most affected; instead, political criteria dominated. This is another reason for the crisis being so severe. There is a lot of discussion about lack of political will. I believe that it is not true that there is no political will, but rather that the political will points in the wrong direction and goes sometimes against the interests of the majority of the people who are hungry today. Instead, political will favours people who have the money and power and control the rules of the game.

Q: *What is your assessment of the official response of the UN System High Level Task Force (HLTF), in light of the analysis you just presented?*

Nabarro: UN organisations operate within the boundaries set by member countries, and have an obligation to work in the interests of the majority of the world's people. Our activities are primarily directed towards people who have inadequate access to food and other primary necessities. Focusing on inequity means finding ways that ensure that the system helps people realise their right to food in ways that reflect long-term popular development. The Office of the High Commissioner for Human Rights is a member of the HLTF and assists with developing indicators that enable us to follow the situation in countries and to assess whether or not the different institutions

involved in the HLTF adequately reflect the right to food. We work in close association with many non-governmental groups, such as farmer organisations and civil society institutions who provide advice and analytical assessments.

Q: The HLTF represents a common and new quality response of all UN agencies reflecting both an immediate and long term perspective. Is that the right approach to address the challenges you previously mentioned?

Valente: The HLTF came into being at a very important moment: it showed the UN's concern for policy incoherence and lack of coordination as the main causes of the crisis. It was generally a good response, in spite of original organisational problems related to civil society participation and validation by governments. The process has improved over the last few months, involving more contacts with governments and civil society, though there is still room for more participation. The HLTF has engaged very strongly in multilateral contacts, especially with the Committee on Food Security (CFS) in Rome. These two new efforts, the UN coordination to strengthen the governance mechanism on the food system, and the inclusion of other actors in a multilateral setting, are important. Secondly, the Comprehensive Framework of Action (CFA) presents some interesting proposals, especially with respect to prioritising small farmers and smallholder agriculture. Given the large number of proposals, adequate priorities may not be immediately apparent. But the CFA should be used to prioritise from a human rights perspective and formulate a plan of action for the reduction of hunger and poverty, promoting human dignity.

Q: What is your assessment of the proposal made by Secretary-General Ban Ki-moon last January to include a third pillar in the CFA, particularly looking at the right to food?

Nabarro: This is an inspired approach which points to human rights analyses providing a solid base for the Secretary-General's efforts to encourage greater equity in the fulfillment of a number of basic needs, including water and food. We need to recognise that the right to food is an analytical and programmatic element for the realisation of the CFA, dealing with short term needs of hungry people and smallholder farmers, as well as with the long term need for agricultural development, social protection and trading systems that attend to the interests of everybody, particularly the most disadvantaged. The right to food thus provides an analytical and implemental framework to initiate dialogue and action through national, regional and global partnerships.

Q: What could such a third pillar look like and do you expect the member governments to take this more seriously than other international right to food obligations?

Valente: Over the last ten years we have been in a process of increasing the recognition of the right to food and the obligations under the international human rights instruments. Important steps were the World Food Summit and the elaboration of the Voluntary Guidelines in 2004. The gap between what is written and how things are done now needs to be bridged. The Voluntary Guidelines provide a good framework for implementation, analysis, and establishing goals in participatory ways to be monitored, thus improving accountability. The rights-based approach can help to mobilise social demands and to organise social participation, so that the most affected people can be in control and put pressure on the government in transparent ways. Participation, monitoring and establishing accountability mechanisms are fundamental in helping to make the strategies against hunger and malnutrition to be more effective. Governments are ready now, or should be, to monitor along these lines.

Q: The High Level Task Force only brings together the UN agencies. Ongoing discussions centre on a renewed function of the CFS through an international steering group among governments and other stakeholders to agree on a common framework for action. What do you think about this process? What are your expectations?

Nabarro: The HLTF is a mechanism to bring together senior UN officials. There is no participation of member states, of civil society, of private stakeholders, regional bodies, research groups and others. The discussions centre on a partnership that would bring together this range of different stakeholders in an effort to address hunger and food insecurity issues in a concerted manner and with a long-term view. Initially, the approach was not well-defined. The inspired decision was to introduce this thinking in the discussion about the new role of the CFS, which was after all set up to be the system to monitor the state of food security in the world, and to seek concerted and coordinated policies to tackle food insecurity. I am very encouraged about how this work has been taken forward. There is a great deal of dialogue now among different constituencies about how they can contribute to this process. My only concern is that we have to try to make sure that producer groups, civil society bodies from Southern countries, together with governments and other stakeholders, have a way to be heard within the context of CFS discussions. The special rapporteur on the right to food, Professor Olivier De Schutter, has suggested that the role of the CFS needs to include a right to food monitoring function and tracking policy responses and commitments made by nations.

Q: The CFS has existed for many years, and has been characterised as “toothless”. Do the proposed changes go far enough in providing the CFS with teeth? Is there a danger that the UN monitoring structures and the human rights system for the right to food might be weakened through a parallel system?

Valente: The decision by governments to govern the food system in a different way is a good one. The CFS has really been a very weak instrument over the last few years. Civil society has strongly criticised the CFS, especially its lack of monitoring capacity. And even worse, most of the monitoring that is done by the CFS is confidential. Civil society does not have access to the government reports. People should know what the reports say. I think the process of the contact groups has been very positive, in spite of the limitations pointed out by David. However, there is strong resistance to give the CFS more teeth, as is often the case with the human rights system, but we have advanced over the last ten years. If we could really establish a joint effort between the Committee on Economic, Social and Cultural Rights (CESCR) and CFS, reports could be analysed by both. This would avoid a double reporting burden and improve the quality of the reports. The technical part has to be done by the technical agencies. Thus, I see a good opportunity, but we need to overcome the usual resistance to human rights monitoring.

Q: Do you see it as a combined instrument for the CESCR and the CFS? Who should look into the realisation of the right to food?

Valente: It may involve a division of tasks: the CFS could work on assisting in participatory ways with establishing strategies based on the Voluntary Guidelines, with plans, goals, time lines, and budgets. The monitoring of the human rights dimension would be done by the CESCR, and technical monitoring of the food security situation would be done by the CFS.

Q: There was talk about the global partnership proposal originally put forth by Britain and France. Is this proposal now dead with a renewed CFS? What is your opinion?

Nabarro: We are already now in an era of partnership at the global, regional and country level, when it comes to addressing food insecurity. The original idea was very much about creating a much broader and safer space within which policies can be discussed and debated. I have just seen extraordinary efforts during the last few months in addressing some of the real controversial subjects in the area of food and nutritional security, and so I am inclined to think that the way of working on a partnership basis functions very well. Some suggest that partnerships need to be a governance instrument. I believe that the governance function will be taken on by the reformed CFS. I believe that partnerships will gradually turn into a global movement against hunger and malnutrition and in favour of the realisation of the right to food, while the CFS undergoes its reform. The HLTF will come to understand just how important it is to approach the issue of food security from a vulnerability and rights perspective.

Q: What are the major obstacles that have to be overcome to make the CFS a real right-to-food oriented monitoring tool? What do you see as the biggest failure and how do we overcome this?

Nabarro: I do not see huge obstacles. In discussions with the officials who are supporting the CFS reform process, there is a vision for really high quality reporting through the CFS with high quality data supporting assessments of the degree of realisation of the right to food in countries and in communities. Obstacles remain related to the access to correct data, the extent to which countries will or will not wish that the reports will be in the public domain, and so on. The role of civil society in monitoring needs to be discussed. Those involved in CFS reform will want to assess the impact of their work on the basis of sustained reductions in hunger and increased numbers of people enjoying the right to food.

Q: Do you think it is really a home run in a way that the right to food will automatically be a framework for the renewed CFS or is there still a lot of work to do?

Valente: We have advanced, but there are still lots of challenges. We still run the risk that the right to food is reduced to some aspects, like governance issues. This reduces the human rights approach. The financial crisis is unnecessarily in competition with the food crisis, even when the former aggravated the latter. Financial resources are more difficult to access now. The most important gain over the last years is a global partnership in some harmony with governments collaborating with the multilateral system. Some elements in the UN system, civil society and certain governments strongly resisted, and eventually defeated, attempts to bypass the multilateral system and to create a new governance structure for the food system with heavy involvement of the private sector. The partnership now represents a different type of partnership. It is important to build a strong movement towards ending hunger and malnutrition in the world, based on a commitment of governments to promote and realise the right to food.

Q: What are your final remarks?

Nabarro: I, and those I am working with, am an idealist. For thirty plus years we have worked with communities that are continuously set back by the challenges they face in accessing food, with disastrous consequences for children, women and men. If we do not really transform the way in which the world food system works, we are creating a really unsatisfactory environment for the three or four generations to come. The current situation, with 15% of the population food-insecure, and 30% vulnerable to food insecurity, is unacceptable. Our sense of realism says that collectively the world governments, civil society bodies and other stakeholders including the private sector can actually make a difference. This belief drives us forward to work in a respectful and trusting way with others, including those with very different points of view, to get good results.

Valente: I am an optimist. The struggle for human rights means always looking for the best and for human dignity for all. Either you believe that human beings can promote this or it is very hard to work day to day, especially when working alongside social movements all the time and seeing what happens to them. Governments will have to tackle in the near future the question of how to regulate the greed and the overtly aggressive stands of the private sector, especially the big multinational corporations, otherwise we will not solve the hunger problem. What is done in the name of profits and new investments is just destroying human beings throughout the world. Without regulation from a human rights perspective of private activities and of interests behind development projects, especially those related to agricultural systems, we will not be able to really reach what we want to reach, even with good safety nets in place.

FOLLOW-UP TO THE CRISIS OF SOARING FOOD PRICES. A REFLECTION

Stineke Oenema⁷

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⁸ This article has been edited by the WATCH Editorial Board. The full article is available on the CD enclosed.

Flavio Valente and David Nabarro discuss in this issue of the WATCH the food prices crisis and the role of several institutions in the follow up to this crisis. They concluded their discussion on an optimistic, yet realistic note. They see an opportunity to use the Right to Food as a framework for action, as well as a monitoring instrument, of which both are aimed at reducing hunger. The evolving global partnership against hunger is another welcome development. However, the need to act now, using our combined experience and knowledge to combat hunger, is urgent to prevent the next three generations from having to face an unacceptable situation. This article reflects on the processes around the evolving Global Partnership on Agriculture and Food Security, as well as on the reform of the Committee on Food Security (CFS).⁸

Recent Steps

The world faced a food prices crisis in 2008. Food prices slowly started to rise from 2006 and sky rocketed by the end of 2007. In 2008, prices reached unprecedented high levels, pushing around 100 million people worldwide into hunger and poverty. In response, the UN Secretary General created a High Level Task Force on the Global Food Crisis (HLTF) as a temporary UN coordination mechanism. The HLTF developed a Comprehensive Framework for Action (CFA) and promoted global and national partnerships to ensure CFA implementation. The G8 explicitly supports the Global Partnership for Agriculture and Food and Nutrition Security (GPAFNS). The CFA constitutes a comprehensive set of proposals of multi-sector actions, mainly promoting small-holder agriculture, and combining short- and long-term perspectives. Structural food insecurity problems are also tackled by applying the twin-track approach. At the same time the CFS is in a restructuring process that contemplates a more diverse membership. The high level meeting on food security took place in Madrid in January 2009. The acceptance at this meeting of the right to food as the third track to food security was a milestone. The idea of a global partnership was also presented. The Rome-based agencies, especially FAO, prefer a UN-based process.

High Level Task Force and GPAFNS

At present the HLTF is continuing its monthly interactions with civil society and non-governmental organisations through teleconferences and face to face meetings. The number of participants, especially participants from organisations in the Southern hemisphere, has grown since the first teleconference. This reflects the open communication that the HLTF aims for. The HLTF has made it clear that its role is temporary and ends when the coordination of food and nutrition matters is eventually assumed by existing institutions.

HLTF intends to coordinate at country-level and, where appropriate, at regional level, for example, through the Economic Community of West African States (ECOWAS) in West-Africa. HLTF has selected 35 priority countries. The selection criteria were based on the severity of food and nutrition problems and in-country opportunities. Field visits have been completed in six of the 35 countries, and efforts were made to include civil society and NGOs in a consultative process. At country level the HLTF is aiming for complete horizontal integration of programmes in order to tackle food and nutrition insecurity. The right to food framework facilitates the horizontal integration of programmes and provides a clear focus for the selection by governments of the proposed CFA actions.

In this context, the Voluntary Guidelines for the Implementation of the Right to Food deserve more attention, i.e. by applying them to the CFA. The inclusion by the HLTF of markets and trade issues, apart from the twin-track approach, was another positive step. Present discussions between the HLTF and the WTO seek to give agricultural issues special consideration in the ongoing Doha negotiations, taking into account the special role of agriculture in improving food security, especially small-holder agriculture. The question of how to protect emerging markets is being analysed by the HLTF and the UN Conference on Trade and Development (UNCTAD). The inclusion of trade and markets as right to food issues is very promising. The assumption that trade and markets will automatically serve the interests of the hungry has often proven in the past to be wrong.

CFS Reform

Currently, the CFS has an image of not having any teeth. If one were to believe past CFS reports, there is hardly any hunger in the world. Member states are now pushing for CFS reform, whereas in the past, few member states bothered to submit progress reports to the CFS. These calls for reform clearly indicate a vivid interest in a well-functioning CFS, and of the importance of food security on the international agenda. A reformed CFS would strive for coordination at the global level.

Four groups are working at present on defining a role and vision for the CFS, CFS membership, decision making mechanisms and procedures, and the High Level Panel of Experts (HLPE). The efforts of the last three working groups is hampered by the fact that the CFS role and vision are as yet to be established; clarity with respect to the other issues will emanate from a clear CFS vision. Professor Olivier De Schutter has made clear proposals on how the three roles of the CFS, monitoring, learning and coordinating, can be combined. As part of the CFS restructuring, an HLPE is to be established to guide the work of the CFS. FAO has been requested to develop the terms of reference for this expert panel and will be involved in selecting its members. France is willing to provide funding for the panel. It is not yet clear whether this funding is conditioned (e.g. nationality of the experts).

The goal to prepare a final proposal by October 2009 is creating considerable time pressure on the process. A huge make-over of the CFS is needed at present. However, in such a short time-span, one might question what is really feasible. Certainly the CFS reform should continue beyond October 2009. The reform proposals that will be put forth should allow room for alternatives, and should always be within the context of evolving partnerships.

Joining GPAFNS and CFS

The establishing of a global partnership and the CFS reform process should be viewed in conjunction with each other. In Madrid last January, the UN and CFS reforms were put in an antagonistic position to the global partnerships. But, currently, these processes seem to be converging. It is promising that the HLTF is now part of the CFS contact group⁶ that assists with the CFS reform, thus ensuring interaction between the two processes. The HLTF is hoping that a renewed CFS will allow full participation of civil society organisations. CFS aims to coordinate food issues at a global level, while the HLTF aims to promote partnerships at country level. More action is needed at country level. However, there are many issues that need to be tackled at international levels.

9 .Several non-governmental and civil society organisations take part in the CFS contact group, such as: Action Aid International, IPC, Oxfam International

I should like to propose the following considerations for a restructured CFS:

- Like the HLTF, the CFS should take on board the right to food. Olivier De Schutter has made proposals for the three roles that a renewed CFS should assume. These are: monitoring, learning and coordinating.
- CFS membership should also be open to non-state actors. One option is to have two-level membership: state-actors and representatives from civil society and non-governmental organisations. State actors would have the right to vote, while the second group would not have the right to vote but can participate as discussants and can table issues.
- The CFS should include nutrition security as a central concept in addition to food security. Focusing on food security alone does not guarantee a positive nutrition security outcome.
- CFS should focus its attention on global issues that interfere with the improvement of food security at national level. This is one way for the CFS to support in-country processes.
- The panel of experts should reflect a balance between academic and popular knowledge.
- One of the roles for the panel of experts, also suggested by Olivier De Schutter, should be to assist governments and international agencies with the transformation into concrete normative guidelines of the findings presented by the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD).
- The International Food Policy Research Institute (IFPRI) recommends a flexible process of selecting experts, allowing for different types of experts to become CFS members. Furthermore, IFPRI suggests that the CFS should not rely only on experts to communicate and identify dilemmas and questions that arise, but should pro-actively do so on its own initiative.

In summary, the ongoing processes related to the CFS reform and evolving partnerships have been positive so far. They promise to lead to an effective coordination to improve food and nutrition security in the world. We have the responsibility to closely monitor these processes and, where relevant, participate in the process in order to contribute to real results. It is indeed sad that the world apparently needed a “food crisis” as a wake-up call to seriously start working on realising the right to food for all.

THE GLOBAL FOOD CRISIS AND THE RIGHT TO FOOD.¹⁰

Henry Saragih, *La Via Campesina*¹¹

04

Our dialogue in this chamber is of particular importance for those of us who believe that humankind has the courage and ability to make global governance work for all. Indeed, the food crisis gives us all an opportunity to do something without delay. The food crisis poses a massive threat to humankind. Everyday, significant parts of society around the world suffer directly or indirectly because of the food crisis. *La Via Campesina*, an international peasant movement, has been working to address the global situation with our members in 70 countries. Our worldwide membership reaches over 200 million. The situation of peasants was understandably put high on our movement's agenda.

I have carefully followed how the UN Special Rapporteur on the Right to Food has progressively re-focused the food crisis away from a development perspective and presented it as a rights-based concept: the global food crisis is a threat to the right to adequate food. It was a historic moment when Mr. Olivier De Schutter emphasised this in the UN Human Rights Council's session on adopting the resolution on the right to food¹². The resolution requests the Advisory Committee to undertake a study on discrimination in the context of the right to food, including identification of good practices of anti-discriminatory policies and strategies.

It is well documented that peasants are discriminated against when it comes to access to land, water, and natural resources. The 2008 report of the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) acknowledged that indigenous and traditional agricultural and peasant systems have been heavily discriminated against for the past 60 years. Moreover, discrimination took place where justice systems favoured the literate, the socially advantaged, and others. These social structures are often pitted against peasants. I therefore personally urge all of us to pay particular attention to the specific vulnerability of peasants, and to the violations of their right to adequate food and of their human rights in general.

The right to food, in particular, could play a prominent role in assisting intergovernmental and UN agencies in identifying potential gaps in the realisation of the rights of peasants, and how to address these gaps. I am honoured to share with all of you that *La Via Campesina* has been working to transform the experiences of peasants into the promotion of peasants' rights as evidenced by the Declaration on the Rights of Peasants. The Declaration was adopted in Jakarta in 2008 at the International Conference on Rights of Peasants, sponsored by *La Via Campesina*. I would like to present this proposal so as to encourage a discussion related to new, sustainable and just food systems for all. Further research and deliberation by right to food advocates regarding such food systems will constitute a significant response to the world food crisis. We feel that this would be a powerful approach toward the protection and promotion of the rights of peasants, including our right to food, and against violations by states and trans-national corporations.

We, peasants, small farmers and producers, and landless people, will commemorate the International Day of the Peasants' Struggle this coming April 17. Since 1996, this date represents a monumental moment for peasants all over the world, when we remember and continue the daily struggle to protect our rights. On this day 13 years ago, 19 peasants were killed at Eldorado de Carajas, Brazil, because they were defending their rights and their communities. The same violations of peasants' human rights occur today. The current food crisis shows us the widespread and systemic violations of the rights of peasants. Peasants suffer violent oppression as a daily experience. We are increasingly and violently expelled from our lands and separated from our sources of livelihood. We cannot earn an income that allows us to live in dignity. We are increasingly prohibited from preserving, exchanging and growing our own seeds. Our agricultural knowledge is disappearing and we are being forced to buy seeds from trans-national corporations in order

10 Statement of *La Via Campesina* at the UN General Assembly, New York, April 6, 2009. The statement has been edited for clarification by the WATCH Editorial Board for publication in the Right to Food and Nutrition Watch. For the full speech please consult the CD or visit http://www.viacampesina.org/main_en/index.php?option=com_content&task=view&id=698&Itemid=1

11 Henry Saragih is the General Coordinator of *La Via Campesina*.

12 Agenda item 3, A/HRC/10/L.25, 20 March 2009

to increase their profits. Many peasants all over the world are being criminalised because they are fighting for their rights, especially for access to land and productive resources. In fact, there has been an increasing number of such cases as large trans-national corporations seek to control more land. They impose industrial foods on us as they expand agro-fuel production.

A fundamental policy change regarding food and agriculture is needed to cope with the current crisis. We have enough food in the world, but the question is: who controls our food? People's access to healthy and adequate food is currently curtailed by the monopolistic power over the food system of the trans-national corporations. It is urgent that the Food and Agriculture Organisation (FAO), the United Nations and Member States adopt policies based on food sovereignty. We have put forth the food sovereignty concept at the FAO World Food Summit in 1996, because the food security concept is only concerned with people being fed. It is not necessarily concerned with how food is produced, who produces it, and where it comes from. We are in opposition to green revolution practices, monoculture, and export-oriented agriculture practices which are promoted by the current food and agriculture regime. This mode of production and these practices have been damaging to our environment and planet. We are in favour of sustainable agriculture based on family-farming for people's food sovereignty and to counter-act climate changes. Food sovereignty concerns people's rights to healthy and culturally-appropriate food, produced with ecologically sound and sustainable methods, and their right to define their own food and agriculture systems. It puts the aspirations and needs of those who produce, distribute and consume food at the heart of food systems and policies, and not at the demands of markets and corporations. Food sovereignty prioritises local and national economies and markets, empowers peasant and family farmer-driven agriculture, artisan fishing, and pastoralist-led grazing. It protects food production, distribution and consumption with a view towards environmental, social and economic sustainability. It also means genuine agrarian reform through redistribution of land towards the landless and peasants, through access to other productive resources, particularly access and control over seeds by peasants and small farmers, and through the promotion of family-based sustainable agriculture. Food sovereignty ensures stability and protection of domestic markets through import controls and market intervention mechanisms by the state. Policy changes should contribute to efforts to rebuild national food economies, to job creation, and to ensuring national food sufficiency, thus addressing the problem of poverty.

Many of our members are landless or own a very small plot of land. That is why, even if food is available in the market, we cannot access it because of lack of purchasing power. Meanwhile, the right to land and territory is closely related to our ability to produce food and earn income for our families. Several human rights instruments mention this particular fact in relation to the right to food. Guideline 8.10 of the FAO Voluntary Guidelines on the Right to Food emphasises the need to promote and protect land tenure security, especially for women and of the poor and disadvantaged of our society. Legislation is needed that protects the full and equal right to own land and other property, including the right to inherit property. This guideline recommends land reform to enhance access for the poor and for women. The mandate of the 2006 International Conference on Agrarian Reform and Rural Development reiterated the importance of agrarian reform in the realisation of basic human rights and people's food sovereignty. The present battle of food and agriculture is not between the developed and developing countries, as is always put forth in the multilateral forum of the World Trade Organisation (WTO). We challenge that idea: our members, small farmers and small food producers in Europe and the US are also suffering from the food and financial crisis and climate change. The current global meltdown of the food and financial systems is a good opportunity to raise the proposals that we have already put forth in various forums.

There is an urgent need to regulate international markets. According to the International Covenant on Economic, Social and Cultural Rights (ICESCR), member states must respect, protect, promote and fulfil the right to adequate food. Decisions taken at the World Trade Organisation, the International Monetary Fund or the World Bank should not be in conflict with these human rights provisions or with member states' obligations to the realisation of the right to food. The human rights approach provides a holistic approach to food sovereignty. Efforts to combat the current food crisis will not be solved by economic solutions alone. A human rights approach will help us to identify the socio-economic and cultural problems of the most vulnerable people.

Ladies and Gentlemen, I do hope that this short speech shed light upon the current policies of member states and on our potential collective response to the international food crisis. We need radical actions and fundamental solutions. If we are to combat the food crisis, those actions and solutions must be based on human rights, and therefore, the rights of peasants. I want to make certain that we are in this together. Globalise the hope, globalise the struggle!

COMMERCIALISING YOUNG CHILD FEEDING IN THE GLOBALISED WORLD: TIME TO CALL FOR AN END!¹³

Dr. Arun Gupta¹⁴

- 13 This article has been edited by the Editorial Board for preparation in the WATCH. The full report is available on the CD enclosed. For further reference, please see the following documents on the CD enclosed: "Protecting, Promoting and Supporting Continued Breastfeeding from 6–24 + Months: Issues, Politics, Policies & Action", Joint Statement based on a workshop of the World Alliance for Breastfeeding Action (WABA) Global Breastfeeding Partners Meeting VII in Penang, Malaysia, October 2008; "Food Security from the Start of Life", Marcos Arana Cedeño and Diana Alhindawi, and "A Prevention Project for Malnutrition in Chiapas, Mexico", Carolina Guerrero-León and Marcos Arana Cedeño.
- 14 Dr. Arun Gupta MD FIAP is the National Coordinator of the Breastfeeding Promotion Network of India (BPNI) and Regional Coordinator of International Baby Food Action Network (IBFAN) Asia.
- 15 Community-based management of severe acute malnutrition, A Joint Statement by the World Health Organization, the World Food Programme, and the United Nations System Standing Committee on Nutrition and the United Nations Children's Fund, WHO 2007.
- 16 <http://www.msf.org/msfinternational/invoke.cfm?objectId=F5C5570D-15C5-F00A-25BBD8AAAF65058A&component=toolkit.pressrelease&method=full.html>
- 17 Isanaka S, Nombela N, Djibo A, Poupard M, Van Beckhoven D, Gaboulaud V, Guerin PJ, Grais RF. Effect of preventive supplementation with ready-to-use therapeutic food on the nutritional status, mortality, and morbidity of children aged 6 to 60 months in Niger: a cluster randomized trial. *JAMA* 2009; 301(3):327-8.
- 18 Bhutta ZA, Ahmed T, Black RE, Cousens S, Dewey K, Giugliani E, Haider BA, Kirkwood B, Morris SS, Sachdev HP, Shekar M; Maternal and Child Undernutrition Study Group. What works? Interventions for maternal and child undernutrition and survival. *Lancet*. 2008;371(9610):417-40.
- 19 Government of India Circular No. Z.28020/50/2003-CH Government of India Ministry of Health and Family Welfare Child health Division dated December 30th 2008.

If lobbying efforts by the UN International Children's Emergency Fund (UNICEF) and Médecins Sans Frontières (MSF) to the UN Secretary General High Level Task Force on Global Food Security succeed, over the next five years, young child feeding patterns will dramatically change from natural foods to ready-to-use packaged foods like 'pastes' or 'spreads'. 'Artificial fortification' rather than 'natural fortification' will become the norm with 'energy dense foods' or 'micronutrient rich foods'.

This amounts to legitimization by UN agencies and other international well-meaning groups of commercial products to feed young children. It represents a simplistic solution for child malnutrition. This is evident from the UN World Health Organization's (WHO) guidelines which focuses on what countries should do to treat severe acute malnutrition, the preferred treatment consists of Ready to Use Therapeutic Food (RUTF)¹⁵. These guidelines do not point to solving child malnutrition problems in a holistic manner. MSF estimates that to treat 19 million children with severe acute malnutrition, and 36 million children with moderate acute malnutrition, with such a commercial product would cost about USD 3.6 billion. The push for branded RUTF (PlumpyNut is the most popular brand) for both treatment and prevention of more severe forms of malnutrition, seems to underline the fact that malnutrition is becoming commercialised. Based on just one study, 'a therapeutic food' has turned into a 'normal food'. Given the large numbers and the huge profits involved, there will most likely be unprecedented commercial activity with these ready-to-use-foods (RUF) in the developing world, where most of the world's malnourished children live. Considering just India as a potential market, the number of malnourished children under the age of five is more than 60 million.

The intention of commercial interests is clearly expressed in a recent press release by MSF¹⁶. The press release relates to a published study in the *Journal of the American Medical Association*¹⁷, which showed that children in a rural region in Niger, who had received ready-to-use supplementary foods, had a 58 percent lower chance of suffering from severe malnutrition. Any extra food, including RUFs, will of course reduce the chances of malnutrition. However, the study is fundamentally flawed because it compares "an intervention" with "no intervention". It is easy to understand that in this situation any food, whether commercially prepared 'ready to use' or a locally available food, is better than 'no food'. Medical scientists know that 'n' number of trials can be conducted to prove 'n' number of points (even opposite points). All that is needed is a suitable hypothesis and a study design tailored to suit that hypothesis. On the other hand, the *Lancet* 2008 nutrition series¹⁸ which analysed all relevant available studies on child under-nutrition, does not rate the use of RUTF as very high.

One success story of an emergency situation is quickly being translated into a mainstream intervention for the prevention and treatment of severe child malnutrition. While the application of RUTF shows excellent results in emergency situations for the treatment of severe acute malnutrition (i.e. severe wasting, very low weight for height), dropping the "T" (for "therapeutic") and making it Ready to Use Foods (RUFs) does not seem valid. The changes this will bring to the food habits of the population, which is already reeling under poverty and lack of health care, are too enormous to ignore. Once we start using RUFs as a preventive strategy, as advocated by international agencies, child nutrition turns into a big market. The Government of India¹⁹ says it is not the government policy to use commercial RUTFs or simply ready-to-use foods. However, UNICEF hurriedly implemented a project in Madhya Pradesh, India, that distributed RUTF (Brand: PlumpyNut). UNICEF labeled the situation as an "emergency situation", and showed that RUTF had a positive impact. Efforts are underway to identify manufacturers for the product. The large number of local products made by the people themselves, is being ignored in this process.

The MSF team did agree during a recent meeting in India that MSF is not for importing RUTFs. However, they were non-committal with respect to discouraging the distribution of RUTFs for the prevention of severe malnutrition. They also expressed no position with respect to the promotion of the use of locally available solutions for treating severe malnutrition, and instead stressed the need for “scientific validation” and “high quality” of RUTFs. UNICEF recently finished a study gathering data on severe acute malnutrition (SAM) in Bangladesh, showing their keen interest in this subject. A newly coined term for what has existed for many years.

The drive by influential agencies such as WHO, World Food Programme (WFP), UNICEF, and the UN Standing Committee on Nutrition (SCN), make a product look like a panacea or a magic bullet to address under-nutrition, hiding the fact that foods are the primary prevention and treatment for malnutrition. Even RUTFs or RUFs are just foods, and the fact that they are commercial foods should not raise their status higher than any other food. Their potential to change the very way that poor children eat make them an undesirable option. It also raises a serious question of the food sovereignty of the people as one can ask: who really benefits from such interventions?

One may argue that if the product is very useful, why not use it? But those who generated scientific evidence related to the product’s usefulness, were involved in a conflict of interests. In 2003²⁰, studies were funded by Nestle Foundation and Nutriset France (makers of PlumpyNut), which raised the suspicion that the evidence showing “huge” benefits to the public hid an element of private gain. Interventions and policies promoting the distribution of RUTFs will only benefit a few large corporations that will manufacture ready-to-use foods in the hope that UN and humanitarian organisations and donors will buy them. The idea that poor children in villages or tribal areas who eat indigenous food should be made to rely on ready-to-eat and packaged food is totally impractical, unacceptable and unsustainable.

20 Diop EHI, Dossou NI, Ndour NM, Briand A and Wade S: Comparison of the efficacy of a solid ready-to-use food and a liquid, milk-based diet for the rehabilitation of severely malnourished children: a randomized trial, *American Journal of Clinical Nutrition*, Vol. 78, No. 2, 302-307, August 2003.

Agencies that advocate the implementation of commercial programmes for the treatment of SAM show no commitment to the prevention of SAM. The WHO and UNICEF Global Strategy for Infant and Young Child Feeding states that: “As a global public health recommendation, infants should be exclusively breastfed for the first six months of life to achieve optimal growth, development and health. Thereafter, to meet their evolving nutritional requirements, infants should receive nutritionally adequate and safe complementary foods while breastfeeding continues for up to two years of age or beyond.” This approach, if properly implemented, will prevent malnutrition in children. It calls for the adequate and efficient support for women who are breastfeeding through the services of trained counselors, support at birth to initiate breastfeeding, child care centres at women’s work places, and financial assistance to women for the duration of undivided breastfeeding. Most importantly, each family should be enabled to access enough of the right foods at affordable prices. In short, this approach acknowledges that adequate, safe and culturally acceptable food is a fundamental human right. Of course, this approach does not produce large corporate profits, without which little will be done to improve infant and young child feeding practices other than giving lip service to this idea. One asks: For how long will a country continue to treat SAM, before serious efforts are made to prevent it?

Efforts must be made to ensure that children get sufficient and diverse foods to eat and malnutrition is prevented. Nations must first put in place preventive health and nutrition policies, and they should resist commercial interventions in the name of addressing problems of child malnutrition.

DISAPPEARING PEASANTS, DISAPPEARING LAND²¹

Joseph Schechla²²

06

"Whoever does not command the means to feed himself can neither feel freedom nor dignity"
Mohamed Hosni Mubarak, President of the Arab Republic of Egypt

A 1.3 million ha land deal between the South Korean company Daewoo Logistics and the Government of Madagascar has recently been reported in the global media. The land area involved amounts to over half the arable land of the country. Crops that are to be grown mainly for exportation to South Korea are maize and oil palm. The deal fell through due to the political crisis which resulted in Andry Rajoelina being installed as the new president²³. The proposed transaction attracted much attention because of the size of the land area involved, but it was not the first of its kind. It raised international attention to various land scrambles at the domestic and transnational levels, particularly in light of the most-recent food crisis. The issues include concerns over food security, national sovereignty, and the prospects that poor people will lose access to farmland and water at an accelerated pace.

For centuries, agriculture has played a dominant role in Sub-Saharan Africa's local, national and regional economies and cultures. No other continent has been so closely identified with smallholder peasant farming. But with the breakdown of land systems, Africa's small farmers have been abandoning their land over the past three decades in search of nonagricultural livelihoods in the urban areas. Expansion in urbanised areas has seriously encroached on the access to agricultural goods and services in cities.

Disappearing opportunities

The World Bank has played a prominent and destructive role in formulating failed agricultural policies across Africa. There have been some impressive outcomes, such as high yields in African maize and other commodities resulting from state subsidies in the 1970s. But the World Bank's policy prescriptions effectively overturned these gains. Under structural adjustment conditionalities of the 1980s, the World Bank promoted high land rents, high tenure concentrations in fewer hands, and severe cuts in services and subsidies such that coincided with compliant African countries' mounting foreign debt. At the same time the US, Canada and European countries heavily subsidised their farm sectors and maximised Western comparative advantage with negative consequences for African producers. Now these policies have finally fulfilled the predictions of their critics.²⁴ The belief that unbridled commercial activity optimises production is being shown to be false by the current financial crisis.

The World Development Report 2008 argues that agriculture is key to poverty alleviation, especially for African smallholder farmers. But the effects of its policies on the agricultural economies have been disastrous. The Report also asserts that liberalised national markets will remain the primary force for achieving productivity increases and poverty alleviation. Overlooked is the fact that governments in such globalised national markets lose sufficient autonomy to respect, protect and fulfill the rights of the national farmers.

21 This article has been edited for publication in the WATCH by the Editorial Board. The full article is available on the CD enclosed.

22 Joseph Schechla is the Coordinator of the Housing and Land Rights Network and of Habitat International Coalition (HIC), Egypt.

23 "A target of the revolution," *Africa-Asia Confidential*, Vol. 2, No. 5 (March 2009), at: <http://www.africa-asia-confidential.com/article-preview/id/210/A-target-of-the-revolution>.

24 Kjell Havnevik, Deborah Bryceson, Lars-Erik Birgegård, Prosper Matondi and Atakilte Beyene, "African Agriculture and the World Bank: Development or impoverishment?" *Pambazuka*, Issue 353 3 November 2008), at: <http://pambazuka.org/en/category/features/46564>.

25 Elliot Berg, *Accelerated development in Sub-Saharan Africa: an agenda for action* (Washington: World Bank, 1981).

26 See Deborah Bryceson, "Disappearing Peasantries? Rural Labour Redundancy in the Neo-liberal Era and Beyond," in D. F. Bryceson, C. Kay and J. Mooij, eds., *Disappearing Peasantries? Rural Labour in Africa, Asia and Latin America* (London: Intermediate Technology Publications, 2000), 299–326.

27 "Statement by Mauritius," World Trade Organization, Third Special Session of the Committee on Agriculture, 28–29 September 2000, G/AG/NG/W/52, 10 October 2000.

28 N. Minot, M. Chemingui and M. Thomas, *Impact of trade liberalization on agriculture in the Near East and North Africa: Liberalisation will not cut poverty in Near East and North Africa* (Rome: International Fund for Agricultural Development, 2007), p. 149.

29 Karem Saber, "Agrarian policy, legislation and violations of Human Rights in Egypt," *diálogos, propuestas, historias*, at: <http://base.d-p-h.info/pt/fiches/dph/fiche-dph-6922.html>.

30 Hamdy El-Swalhy, "Using what we have," *Al-Ahram Weekly Online*, Issue No. 919 (23–29 October 2008), at: <http://weekly.ahram.org.eg/2008/919/sc5.htm>. Fully 71.6% of the increase attributed to an increase in import prices, while 7% was due to a rise in the volume of imports.

The World Bank in the 1980s identified producer subsidies and parastatal marketing as key problems to be fixed in order to achieve higher agricultural productivity from African state interventions²⁵. After some 30 years, it is only through non-agricultural production or outmigration that an even greater number of smallholder households now participate in commodity, capital, land and labour markets as a way to rise out of poverty²⁶. African smallholder producers have continually been losing market shares, while Africa's traditional export crops (coffee, cola nuts, tobacco, cashews, etc.) have steadily declined, as the comparative advantage of smallholder farmers has been undermined by more-efficient producers elsewhere. As elsewhere, African peasant farmers are losing ground as primary producers for local consumption.

Governments are generally not in a position to refuse externally imposed policies detrimental to local agriculture. There are exceptions. One is when Mauritius refused the terms of the European Community's proposals during the negotiations of the WTO Agricultural Trade Agreement on the grounds of their negative consequences for Mauritius' farmers. Mauritius correctly asserted that agriculture should contribute to fulfilling obligations to uphold the provisions of the Covenant on Economic, Social and Cultural Rights (ICESCR) to which it is a state party.²⁷

Domestic dispossession and the food-and-sustainability gap

Agrarian reform and land privatisation that began in 1987 in Egypt led to human rights violations and contributed to considerable state and non-state violence. A series of significant tariff reductions in 2004 prompted the World Bank to declare that Egypt had made more progress in trade liberalisation than most countries. But the degree of protection is higher in Egypt than in 40% of the countries in the world²⁸.

Land Law No. 96 (1992) cancelled rent-controlled land contracts previously fixed at low rates, and allowed wide-spread and uncompensated eviction of farmers unable to pay the raised rents. Estimates now place the number of landless farmers at well over 900,000, or nearly one-third of Egypt's total number, affecting the livelihoods of about 5.3 million people, despite the provision (Article 33) in the Land Law to make alternative (desert) land available to dispossessed farmers. The Law's implementation has resulted in the deaths of 406 farmers, 2,874 injuries, and 4,028 arrests during the first eight years²⁹.

The shortage of domestic production of major food commodities lies at the heart of Egypt's food problem. The gap between domestic production and consumption has been estimated at an average of 44% for wheat, 35% for maize, 78% for vegetable oils, 96% for lentils, 45% for broad beans, 20% for sugar, 17% for red meat and 19% for milk. This deficit has consistently grown in recent years and Egypt's dependence on food imports has increased annually. The value of food imports has risen to about USD 3.5 billion annually during 2003–2006, and in 2007 food imports rose by 78% over the levels from 2006³⁰.

Globalised dispossession and the food-and-sovereignty gap

Large-scale land acquisitions in Africa used to take place predominantly through internal privatization and through land grabs by postcolonial political and military elites, after foreigners had introduced land grabs during colonialism. Now foreign investors claim hundreds of thousands of hectares of fertile African lands as their hedge against food insecurity at home. The argument is also put forth that private, neo-liberal interests lie at the base of these large land acquisitions consisting of large-scale irrigation projects, monoculture production, including bio-fuel production, and sheer land speculation. These foreign land grabbers seek to bypass unreliable international food markets, albeit on other people's traditionally and formally held lands.

Recent reporting on “farmland grabbing” is based on in-depth investigations in Ethiopia, Ghana, Madagascar, Mali and Sudan, including a recent study that covers similar practices in Angola, Kenya, Mozambique, Tanzania and Zambia.³¹ The report identifies a variety of investing countries that include China, Jordan, Kuwait, Libya, Qatar, Saudi Arabia, Syria, United Arab Emirates, the United States and others. Additional sources cite Egypt’s search for off-shore production in Niger, Tanzania, and, soon, Uganda.³² Some estimates put the total farmland investments in Africa, Latin America and Asia above 15m hectares, about half the size of Italy.³³

The recent report from the FAO, the International Fund for Agricultural Development (IFAD) and the International Institute for Environment and Development (IIED) also finds that “Governments concerned about stability of food supplies are promoting acquisition of farmland in foreign countries as an alternative to purchasing food from international markets”. The global food crisis has eliminated the assumption of continuously low food prices. Food-importing countries are now more vulnerable to export trade restrictions and interrupted supplies. The authors do not apply a human rights approach to their analysis, but acknowledge that “this is rightly a hot issue, because land is so central to identity, livelihoods and food security”. Investing countries primarily seek to repatriate crops produced off-shore to feed their own population as part of a self-sufficiency strategy. The effects on the identity or livelihoods of farmers in the affected host countries are under-reported. Needed components for the debate include consideration of food, land and adequate housing rights, investor claims and interests, and the voices of affected persons in the host countries. The new focus should be centred on the human and human-rights values affected in global “farmland grabbing.”

Rights, democracy, land and food security

Democratisation in Africa has progressed in divergent and even contradictory directions. Countries have ratified human rights treaties related to food security, but have not implemented the corresponding obligations by means of laws and policies. The international agreement in 2004 of a new set of Voluntary Guidelines on the human right to food represents a hopeful development³⁴.

Some actual or previously acclaimed democratic systems have recently seen corruption in food management. Examples are the (privatised) sale of Malawi’s strategic grain reserve and the distribution of food aid in Zimbabwe to reward political allies and punish opponents. But some media, academics, politicians and a few NGOs (such as affiliates of FIAN and Habitat International Coalition) raise awareness of how land, food and hunger relate to human rights.

Food production by smallholder farmers for local use was not only deemed *déclassé* under the Washington Consensus, it also became unpopular among government leaders in developing countries who favoured the supposedly more-profitable and taxable agricultural or manufacturing exports to the developed world. Now they risk incurring a far greater cost.

Much damage has been done and continues to be done. However, hunger and the right to food are too important to be subordinated to private national interests or discredited neo-liberal trade ideologies. Food is not just another commodity, it sustains life. Addressing food needs and problems deserves corrective policies that govern food production and trade, but with a view towards preserving local subsistence.

31 L. Cotula, S. Vermeulen, R. Leonard and J. Keeley, “Land grab or development opportunity? Agricultural investment and international land deals in Africa” (London/Rome: IIED/FAO/IFAD, 2009).

32 Emojong Osere, “Egypt could grow wheat in Uganda soon,” Daily Monitor (9 June 2009), at: <http://www.monitor.co.ug/artman/publish/business.power/egypt.could.grow.wheat.in.uganda.soon.86137.shtm.a>

33 Citing Peter Brabeck, chairman of Nestlé. Javier Blas, “Africa giving away land ‘almost for free,’” Irish Times (25 May 2009), at: <http://www.irishtimes.com/newspaper/world/2009/0525/1224247325047.html>.

34 Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, adopted by the 127th Session of the FAO Council, November 2004 (Rome: FAO, 2005), at: <http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm>.

NATIONAL
AND REGIONAL PART:
MONITORING
THE HUMAN RIGHT
TO FOOD AND NUTRITION

Benin

Current Status of the Implementation of Some of the FAO Voluntary Guidelines

35 "Droit à l'Alimentation au Bénin: Etat des lieux de l'application de quelques directives volontaires de la FAO"; Rapport définitif, Contributor: Jean-Louis Kuessi Assogba, Sœurs Unies à l'œuvre (SUO), Benin, May 2009. The full report is available on the CD enclosed. This summary has been prepared by the WATCH Editorial Board.

Introduction

The present report³⁵ assesses the implementation of some of the Voluntary Guidelines in Benin and is based on the results of the national food security workshop held in Cotonou in July 2008. The Guidelines that are assessed relate to agricultural and domestic trade policies, price control measures, national employment policies, environmental problems and the legal framework. These public policy sectors were considered a priority by the participants in the workshop. The right to food monitoring tool developed by FIAN and Welthungerhilfe (WHH) was used in this assessment, which, in this report, deals with: (a) Benin's commitment to the implementation of the Voluntary Guidelines; (b) right to food obligations of the State with respect to capacity strengthening of the population and civil society organisations; and (c) challenges to the implementation of the Voluntary Guidelines and proposals for specific and practical actions to overcome these.

Facts and Findings

The social and economic context for the right to food

The two sectors we focus on are education and health. During the last two decades, gross enrolment rates in primary and secondary schools have increased in Benin. The ratio of girls to boys was estimated in 2004 at 0.75 in both primary and secondary schools, while the target ratio equals 1 for 2015. However, this progress obscures problems in the education sector, such as insufficient numbers of teachers, and permanently low levels of education. Health conditions also improved during the period of 2003-2006, as the use of health services rose, and in 2006 surpassed the overall target rate of 38% by reaching 44%. Notwithstanding this result, a major share of the population continues to suffer from high morbidity rates and tropical diseases such as malaria. The HIV/AIDS pandemic also imposes a heavy burden on the population, resulting in increased impoverishment and social marginalisation. About 80 % of those living with HIV/AIDS suffer from food insecurity.

Access to safe water and sewage facilities has also improved. Even so, recent statistics show that two-thirds of the rural population does not have access to safe water, while the problems of waste disposal in both urban and rural areas are worrisome.

The agricultural sector is the principal sector in Benin's economy. Agriculture contributes to 36% of GDP, 75 to 90% of export earnings, 15% of tax receipts and 70% of employment. Agricultural development must be relied upon for economic growth and poverty alleviation. Public investment in agriculture, though higher in 2008 (8.4% of the total budget) compared to 2007 (5.8%), falls short of the 10% agreed to at the Maputo Conference in 2003 and mostly favours large enterprises. Food crops that are produced include: cassava, sorghum, maize, rice, and beans. The principal export crop is cotton; production has, on average, increased by half a percent a year during the last ten years. The Benin economy highly depends on markets in Nigeria, especially for re-exports.

Food security and nutrition in Benin

Poverty has increased during this decade. There are also considerable geographic differences in the incidence of poverty, reaching levels of over 40% in the poorest departments. Also, among the country's cities, significant differences are found that include incidence levels reaching well over 50% in the poorest ones.

Benin's population is almost 7 million, 61.2% of whom live in rural areas. The average population growth rate was about 3.25% per year during the period of 1998-2007 when the annual growth rates in crop and animal production were not sufficient to ensure national food security in the longrun. In fact, there are specific population groups that suffer from food insecurity including: small-scale farmers, fisher folk, and urban low-income households. Thirty-three out of 77 cities experience permanent or cyclical food insecurity and malnutrition conditions. The soaring prices of agricultural products that took off in late 2007 have significantly aggravated this situation. The highest levels of under-nutrition in children under five are found in the Northern regions, reaching 16%.

Governance of food security and nutrition in Benin

The Ministry of Agriculture, Livestock and Fisheries (MALF), and its specialised units, has an important food security mandate. The responsibility for inter-sectoral coordination and policy monitoring is in the hands of the National Food and Nutrition Committee. A similar institutional structure is found at the department level. NGOs and consumer associations are represented in these committees along with public institutions. The Government's commitment to address food security is illustrated in a number of public documents. Among these, the most significant is the Declaration of the Population Policy (La Déclaration de Politique de la Population), adopted in 1996 and reviewed in 2006, which guarantees that all people will have access to sufficient and safe food to enjoy an adequate nutritional status. Food security was afforded high priority in the Government's Action Programme (Programme d'Actions du Gouvernement) which covers the period of 2001 to 2006. The second generation Poverty Reduction Strategy Paper (PRSP) fully takes on board the MDGs for 2015.

A number of sector projects have currently been implemented to deal with food poverty and food consumption problems. These projects include support to: (i) establish small irrigated plots for food production; (ii) improve the socio-economic conditions of artisanal fisher folk; (iii) increase the food self-sufficiency and improve the food security of smallholder farmers; (iv) rural income diversification; and (v) increase cereal production through the provision of seeds and other agricultural inputs. Other programmes include provisions of micro credit and other services targeted at the extreme poor, and financing of agricultural activities to raise rural incomes and improve food security.

What is clear is the large divide between all the good intentions expressed in policy and strategy documents, and the actual ways programmes and projects are implemented. Popular participation is weak. NGOs and the private sector participate little in the formulation, implementation and monitoring of programmes and projects that impact on the realisation of the right to food. Particularly those who do not enjoy the right to food should participate in this process.

Cities in Benin have, since 2002, legal and financial autonomy. They are to draw up community development plans; however, these plans often do not prioritise food security actions, or focus on only local agricultural problems. Community development plans are poorly implemented because the local communities lack the capacity to mobilise financial resources. Implementation of the community development plans so far is mostly limited to infrastructure projects.

Legal framework for the right to food

Benin ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1992. But the right to food is not explicitly recognised, and is not justiciable in Benin. The national constitution does not cover the right to food, and there are no recourse mechanisms in place for right to food violations. Courts at the municipal and national level deal mostly with land tenure issues. Human rights institutions are not very active. Potential rights claimants have little knowledge about how and where to claim their rights. A judiciary reform project aims to speed up the appeals process and to improve the functioning of the judiciary, but does not contemplate making the right to food a justiciable right.

Conclusions and Recommendations

The Government of Benin falls far short of having implemented the Voluntary Guidelines which, in spite of the government's efforts, remains a major challenge. For this to happen, and for the right to food to be realised, the government must do everything in its power to eliminate current constraints. In this process, it is necessary that both government and civil society play their respective roles so that all citizens will fully enjoy the right to food. This means that through social programmes, the people, specifically the poor, should come to understand and enjoy their rights, and will have the means to claim those rights.

Recommendations to the Government of Benin

To protect and promote the right to food, the State should:

- effectively facilitate without discrimination, access to safe water and to inputs for food production
- engage in efforts in the agricultural sector so that an agricultural development policy is formulated with farmer participation
- improve the social orientation of the food security policy of the National Office for Food Security (ONASA) with respect to small-scale producers; the government should engage in dialogue with small and large scale producers and consumer groups to reach an agreement about reasonable producer prices that each producer group receives and prices paid by consumers for basic food commodities
- support an accelerated process of promoting private and public farms, providing farm inputs and credit in ways that do not result in complicated and bureaucratic procedures for farmers
- discontinue agricultural policies that increase foreign dependence, risking increased poverty, but instead promote sustainable agriculture in harmony with local conditions.

Recommendations to Civil Society

Civil society should protect and promote the right to food by

- undertaking field work and prepare right to food assessments using appropriate indicators
- preparing a budget analysis focusing on economic, social and cultural rights, as well as focusing on projects and programmes that are priorities for the right to food, and using the results as inputs for right to food advocacy
- organising advocacy campaigns to reach political decision makers and promote the enactment of right to food framework law
- organising popular awareness raising campaigns centred on Law no. 2007-03 (16 October 2007) regarding land tenure systems, so that rural populations will finally enjoy the promised benefits
- encouraging and facilitating the use of available legal means in cases of rights violations, and assisting with accessing available resources
- preparing a critical analysis of the State's report that deals with the implementation of the Voluntary Guidelines
- raising public awareness of the right to food
- working for the ratification of the Optional Protocol of the ICESCR
- working for the incorporation of the right to food in the national constitution to make this right justiciable.

Brazil

Parallel Report by Brazilian Civil Society

Human Right to Food Issues

- The rights to adequate food, water and land are interrelated and interdependent human rights.
- An independent analysis of existing legislation, case law and public policies with respect to these rights can constructively lead to recommendations for changes that may accelerate the progress in realising these rights.
- Civil society initiatives have a fundamental role to play in monitoring the State's obligations with respect to the rights to adequate food, water and land.

Introduction

A group of civil society organisations in Brazil have prepared this report³⁶ as part of a process to monitor the Brazilian Government's commitment to the realisation of human rights. The report was at first addressed to the UN Committee on Economic, Social and Cultural Rights (CESCR) to help the Committee understand the Brazilian human rights situation. It is addressed to the Brazilian Government to assist in the formulation of proposals for the advancement in realising human rights, as well as to leaders and directors of civil society organisations, to inspire them to continue to mobilise and struggle for the realisation of human rights. Finally, it is addressed to all Brazilians, encouraging them to strengthen their belief that the construction of a society that respects and promotes human rights is a commitment that cannot be postponed.

The Official Report submitted by the Brazilian Government was used as a reference for this report ("Parallel Report"), which provides an analysis and a critique of the Official Report. The Parallel Report is divided into two parts. The first section evaluates the general status of economic, social and cultural rights in Brazil, taking into special account the factors that the Committee considered fundamental for the implementation of the ICESCR in its Concluding Observations³⁷. Following the general section, there are 10 chapters dedicated to the rights outlined in the ICESCR. Due to space limitations, the remainder of this article focuses on Chapter 7 of the Parallel Report – "The right to live in dignity (to food and housing)". This chapter covers the rights to food, water, rural land and housing.

Facts and Findings

General Status of the Rights to Food, Water and Rural Land

The Ministry of Social Development³⁸ estimated the number of poor families to be at 11.1 million (with per capita income equal to or less than R\$ 120/month), and at 16.1 million (per capita income no more than R\$ 170/month). As of November 2006, 14.9 million families were classified as poor. At that time there were 13,619,317 families registered in the Bolsa Família programme, but only 10,965,810 families actually received programme benefits.

According to the Brazilian Institute of Geography and Statistics (IBGE),³⁹ 31.67 million Brazilians, or 18.7% of the total population, live in rural areas. Private properties of rural land amount to approximately 420 million hectares, another 200 million hectares are public rural lands, while 102 million hectares are designed as environmental reserves and 128 million hectares are declared as indigenous lands. There are 4.2 million rural properties registered, of which 57.6% have 25 hectares or less, amounting to a total extension of 26.7 million hectares or 6% of total rural areas. On the other hand, properties of over a thousand hectares are less than 70,000, or 1.6% of total

36 "A Shadow Report by Brazilian Civil Society on the Brazilian State's Compliance with the International Covenant on Economic, Social and Cultural Rights (ICESCR)", Contributors: Articulação dos Parceiros de MISEREOR no Brasil (Misereor), National Human Rights Movement (MNDH), Plataforma Brasileira de Direitos Humanos Econômicos, Sociais, Culturais e Ambientais (Plataforma DhESCA Brasil), Processo de Articulação e Diálogo entre as Agências Ecumênicas Europeias e Suas Contrapartes Brasileiras (PAD Brasil and EuroPAD). Brasília, June 2007. The full report is available on the CD enclosed. This summary has been prepared by the WATCH Editorial Board.

37 UN. CESCR. General Distr. E/C. 12/1/Add. 87, 23/05/2003.

38 Information available in www.mds.gov.br/adesao/mib/matrizviewbr.asp

39 For complete and current information about the land situation, see DIEESE, 2006.

rural properties, but cover a total land extension of 183 million hectares, or 43.5% of total area registered. The Gini index of the distribution of land properties in Brazil was estimated at 0.802 in 2000, showing a high degree of land concentration.

There are dramatic differences in the access to basic services (safe water, sewage networks and waste collection) among regions, differences in family incomes, and urban and rural areas. The states with the highest sanitation coverage rates in 2005 were São Paulo (90%), Minas Gerais (80.2%) and Brasília (77.6%); the states with the lowest coverage rates were Amapá (1.9%), Rondônia (4.8%) and Amazonas (5%). Coverage rates broken down by family income also showed disparity: 39% for family incomes of half a minimum wage or less, in contrast to 82% for family incomes over 5 times the minimum wage. Sixty-one percent of urban residents had full coverage, compared to one third of rural residents in the Northeast.

Legislation and Case Law

Several recent laws represent positive developments with respect to the right to food. Law number 11.346 (2006) created a National System of Food and Nutrition Security (SISAN), and makes specific reference to the right to adequate food, as well as to state obligations to respect, protect and fulfil this right. The law also established a four-year routine of national conferences and set norms for the National Council of Food and Nutritional Security (CONSEA), reserving two-thirds of its membership for civil society representatives. Provisory Act No. 132 (2003) created the Bolsa Família programme as well as a council to manage the programme that reports directly to the president. The Provisory Act was turned into Law No.10.835 in 2004 and is regulated through Decree No. 5.209 (2004). Law No.10.835 (2004) instituted the Basic Citizenship Income, and determined that from 2005 onwards, all Brazilians and foreigners with more than five years' residence are entitled to receive annual monetary benefits defined by the government, with the poorest to be prioritised. To date the law has not been implemented.

Much less positive is Law No.11.105 (2005), which authorised the production and commerce of genetically modified seeds, providing a strong stimulus for increased commercial agriculture. Law No.10.831 (2003) sets procedures for the production and commerce of organics, but its focus is more on preserving traditional forms of organic agriculture.

Access to safe water is not approached from a human rights perspective in Brazilian laws. Law No. 10.670 (2003) designates March 22 as the National Day of Water. Law No. 10.638 (2003) creates a national programme to tackle drought. Another important piece of legislation is Law No.11.445 (2007) establishing national procedures for providing basic sanitation.

Public Policies: Food and Rural Land

Civil society recognises that the State has undertaken some valid efforts to tackle poverty and destitution. Significant obstacles remain in reference to the right to land. The Official Report does not present evidence of public policy impacts and ignores the challenges ahead. The focus here is on the Bolsa Família programme and agrarian reform actions, showing that full compliance with the Committee's recommendations is a long term proposition for action.

The Bolsa Família programme was created in 2005. In March of this year, 6,449 million families were registered, of which 62.7% lived in urban areas, 29.2% in rural areas and 8.1% did not specify. Programme coverage has been increasing consistently: 78.4% of the total number of poor families participated in 2005, and this percent increased to almost 100% in 2006. At the end of 2006,

40 According to information system of Ministry of Social Development, available in www.mds.gov.br/adesao/mib/matrizviewbr.asp

41 For more details, see www.mds.gov.br/ascom/hot-seminariobf/apresentacao/21-10-2005/romulo-paes.ppt

almost 11 million poor families participated in the programme⁴⁰. It is generally accepted that Bolsa Família has effectively reduced social inequalities in Brazil. In August 2005, the average family received benefits which amounted to 21.2% of family income⁴¹. Of the recipient families, 87.2% stated that they spent the money to buy food, and 82.4% reported that the family diet had improved with their participation in the programme.

FIAN Brazil's research results show that minimum income policies often are the only source of financial resources. However, the conditionality of such programmes needs to be questioned: a right should not be subject to conditions or previous requirements if it leads to effective exclusion from benefits. Each municipality is assigned a fixed quota of families to enroll in the programme, irrespective of the number of families in need. For example, 22.1% of 1,200 homeless families in Setor Grajaú, in the city of Goiânia (capital of the State of Goiás), claimed to have incomes equal to zero and still none of them are receiving any Bolsa Família benefits.

42 PNRA - Plano Nacional de Reforma Agrícola

43 See report in Agência Brasil. www.agenciabrasil.gov.br/noticias/2007/01/30/materia.2007-01-30.1642403473/view.

In 2003, the government launched the second National Plan of Agrarian Reform (PNRA⁴²) to settle 400,000 families in newly reformed areas, to provide 130,000 with credit, and to regulate currently irregular land occupations for about 500,000 families. About 1 million families were to be attended to through the plan between 2003 and 2006. Social movements had proposed that 1 million families should benefit just through the settlement component alone (20% of all rural landless families). However, an evaluation conducted by the Ministry of Agrarian Development (MDA)⁴³ indicated that only a total of 381,419 families were settled, covering 31.6 million hectares between 2003 and 2006.

Social movements in the Amazon Region have presented alternatives to reconcile settlement projects with preservation areas, based on a different relation between land and forest. Such proposals included a sustainable development project, in which beneficiaries promise to implement environmentally sustainable activities in ways that allow reproduction of species and the reforestation of devastated areas. The National Institute for Colonisation and Agrarian Reform (INCRA) has adopted a new model for agrarian reform in the Amazon Region along the lines of sustainable development projects.

Civil Society Initiatives: Food, Water and Rural Land

The Brazilian Platform for Economic, Social, Cultural and Environmental Human Rights (Plataforma DhESCA Brasil) is a network of NGOs and social movements that reports violations of human rights in Brazil. Since 2002, it has held public hearings, registered claims, proposed solutions to governments, set the People's Defence in motion and mobilised civil society to request from public authorities the fulfilment of their human rights.

44 Please see www.fianbrasil.org.br

FIAN Brazil launched on October 16, 2005 (World Food Day), a national campaign on universal basic income with the following actions: a) massive broadcast through different media about the national week of struggle for the right to adequate food; b) a study about a rights violation case; and c) an annual evaluation of public programmes, such as Fome Zero and Bolsa Família⁴⁴.

The Brazilian Forum for Food and Nutritional Security (FBSAN) is a network of organisations, social movements and individuals working on food and nutritional security. FBSAN has the following goals: mobilise society around the Food and Nutrition Security (FSN) theme; raise public awareness; collaborate to build sympathy in the public mind about this perspective; promote public policies and actions in both national and international levels related to FSN and the right

to food; insert the theme in the national agenda; stimulate local initiatives to promote food and nutritional security; enable civil society to optimise its role in social participation; and denounce and monitor governmental responses to violations of the human right to food.

The National Inter-organisational Network for the Northeastern Semi-arid Areas involves more than 750 popular organisations. The Network's position is that the government project to transpose waters of the São Francisco River does not solve the drought problem in some North-eastern regions, because it reinforces the concentration of water resources and social exclusion. This project favours agro-business interests and results in privatisation and commercialisation of water resources. Hydric reforms are needed in addition to agrarian reforms that will lead to a de-concentrated hydro network that effectively attends to the needs of communities.

The National Forum for Agrarian Reform and Justice in Land has existed since 1995 and brings together 45 national entities that work on agrarian reform. In recent years, it has launched a national campaign to limit the size of rural properties in Brazil, and has taken part in an international campaign called "Agrarian reform: environmental sustainability and human rights" to discuss the grave conditions of violence in rural areas and to put political pressure on the Brazilian Government to: create means to avoid new land conflicts; punish the murderers of hundreds of people killed in defence of peasants' rights; and undertake an effective agrarian reform.

The National Network of Agro-ecological Production is a common space for social movements and NGOs to promote agro-ecological ways of food production and sustainable rural development in Brazil. It seeks to promote agro-ecological approaches as alternatives for family agricultural production (respecting its great cultural diversity and its ways of life).

The national campaign for a Brazil free of trans-genics (genetically modified products -GMP) was started in 2003 and aims to: fight for an open and democratic public debate on trans-genics, urge precaution, and demand more research on bio-security of GMP and their impacts on non-trans-genic family production. The campaign advocates agro-ecology as the best way of production and a serious and integral labeling process for all products containing GM ingredients.

Recommendations to the Brazilian State

A General Recommendation

- Make a commitment to put into effect structural policies to combat poverty and land concentration, to carry out agrarian and urban reform, and to overcome social inequalities among the urban and rural populations without discrimination based on race, colour of skin, ethnicity, gender, age or geographic areas.

Recommendations with Respect to the Rights to Food, Water, and Rural Land

- Adopt an effective Plan of Agrarian Reform that fully considers the social function of property as established by the Federal Constitution of 1988; revise productivity levels on properties (in force since 1975); and review current policy to encourage the use of *Crédito Fundiário* - Agricultural Credit and to discourage land expropriation.
- Encourage the revision of productivity rates in order to comply with the constitutional mandate regarding the social function of property, and request recognition of the social function in legal eviction proceedings and, if necessary, institute changes in procedural legislation.
- Regulate and implement the National System of Food and Nutritional Security with the aim of realising the human right to adequate food, and guarantee the extensive participation of organised civil society and social movements in this process,
- Regulate and implement the National Policy of Environmental Sanitation, ensuring extensive involvement of organised civil society and social movements, as well as the exercise of public monitoring, in order to guarantee the right to water.
- Promote the “gathering of abandoned properties” and the identifying of public areas occupied irregularly by private individuals, and implement an extensive nationwide programme to guarantee access to land for the poorest people and those who have historically not had access to land.
- Consider, especially the Judiciary, the need to prioritise, as established by the Federal Constitution, human rights in contracts, particularly emphasising decisions involving conflicts related to the occupation and ownership of land and other property.
- Extend the implementation of social rates for electricity and water to low income areas, including traditional communities and riverside dwellers.
- Formulate and implement a national policy for the prevention of evictions, according to Resolution nº 31 of the National Council for Cities.

The Criminalisation of Poverty: A Report on the Economic, Social and Cultural Root Causes of Torture and Other Forms of Violence

Human Right to Food Issues

- The criminalisation of poverty, and the resulting discrimination, seriously interfere with the realisation of economic, social and cultural rights, including the right to adequate food.
- The lack of physical security constitutes a livelihood risk that negatively impacts on a household's access to adequate food.
- Violence, particularly against women, constitutes a serious risk to the rights to life and good health with interrelated effects on the realisation of the right to adequate food.

Introduction

This report⁴⁵ has been produced as part of an OMCT project, "Preventing Torture and Other Forms of Violence by Acting on their Economic, Social and Cultural Root Causes"⁴⁶. The project is founded on the principle of the interdependence of human rights and seeks to develop human rights responses that address the link between poverty and marginalisation on the one hand, and torture and violence on the other. The information presented here was mostly gathered during a mission to the state of Pernambuco and the city of Rio de Janeiro during February 2009. Representatives of civil society were consulted during the mission regarding the link between violence and the denial of economic, social and cultural rights in Brazil, as were individuals whose lives have been directly affected by violence. This report addresses some of the key areas where there is a clear and direct link between violations of economic, social and cultural rights and violence, or the threat of violence, in Brazil.

Addressing Poverty, Inequality and Violence: "the very heart of human rights protection"

Torture, as well as cruel, inhumane or degrading treatment or punishment and other forms of violence – including violence against women and children – are undoubtedly related to the disrespecting of economic, social and cultural rights. If these phenomena are to be effectively eliminated, then their economic, social and cultural root causes must be understood and effectively addressed. The converse equally applies: acting to reduce levels of violence is a fundamental step toward ensuring the widespread enjoyment of economic, social and cultural rights. Denial of economic, social and cultural rights relates to torture and other forms of violence as follows: (a) the poor, marginalised, and other vulnerable groups are often the first and most numerous victims of violence, including torture and cruel, inhumane and degrading treatment; (b) levels of violence in a given community or society can be such that individuals or groups are unable to enjoy their economic, social and cultural rights; (c) violence is inflicted on persons because they demand respect for economic, social or cultural rights – their own or those of others; and (d) policies and programmes by governments, private actors or development and financial institutions can exacerbate poverty and inequalities, as well as lead to increased levels of official, criminal and domestic violence.

45 "The Criminalisation of Poverty: A Report on the Economic, Social and Cultural Root Causes of Torture and Other Forms of Violence". Contributors: Justiça Global, the National Movement of Street Boys and Girls (MNMMR) and the World Organisation Against Torture (OMCT), in the context of the project "Preventing Torture and Other Forms of Violence by Acting on their Economic, Social and Cultural Root Causes". The full report is available on the CD enclosed. This summary has been prepared by the WATCH Editorial Board.

46 The project was funded by the European Union's European Initiative for Democracy and Human Rights, the Swiss Agency for Development and Cooperation (SDC), the Karl Popper Foundation, the InterChurch Organisation for Development Cooperation (ICCO) and the Fondation des Droits de l'Homme au Travail.

Facts and Findings

The criminalisation of poverty

Violence is an inherent element of poverty in Brazil: it disproportionately affects the poorest communities in urban and rural areas alike, and, in turn, reinforces this poverty. State actors engaged in law enforcement tend to “profile” the poor, particularly the poor residents of Brazil’s favelas, as “criminals”. This identification is reinforced by media reports and statements by public figures. Criminalisation of the poor explains public security strategies that violate human rights, including the right to life, as police engage in arbitrary actions against favela residents, particularly young, black males. The constant presence of violence in its various forms also has a direct impact on the health of those it touches. The poor are also victims of crime, as organised gangs control much of the economic resources in Brazil’s poor urban neighbourhoods. Violence reinforces social exclusion: children are afraid to go to school, and communities are forced off their land. Lack of opportunities pushes youth into drug trafficking and other illegal activities, while men and women are unable to find work.

Inequality and violence

Those who are most affected by socio-economic inequality, particularly Brazil’s black population, are also most likely to become victims of violence, especially lethal violence. It is estimated that between 1995 and 2005, the combined income of the poorest 40% of households in the country accounted for only 6% of total household income, while the richest 20% of households accounted for as much as 61% of total household income during this period⁴⁷. Figures reported by the World Bank in 2008 indicated that 22% of Brazil’s population lived below the national poverty line⁴⁸. There are distinct gender and racial dimensions to Brazil’s inequality, and the country’s black, indigenous and Quilombola populations are particularly vulnerable to economic exclusion.

The Government of Brazil recognises this challenge and has introduced measures to improve the situation. The National Programme for Public Security and Citizenship (PRONASCI⁴⁹) seeks to articulate public security policies with social action. The effectiveness of this Programme has yet to be determined, although civil society expresses some reservations concerning its structure and implementation, as programme development lacked transparency. A public security plan known as the Pact for Life (Pacto pela Vida), developed by the State of Pernambuco, brings together a range of short-, medium- and long-term measures that are intended to reverse the rise of violent crime in the state.

Police Violence against the Poor

The criminalisation of poverty is both produced by and serves as a justification for a form of law enforcement based on social profiling and the identification of a “typical” suspect. This distortion is cynically manipulated by the police themselves: persons arbitrarily shot by the police in Brazil’s favelas are officially registered as having resisted arrest. The Rio de Janeiro Police registered in 1997, 300 civilian killings in situations of resistance against security forces (autos de resistência), a figure that rose to 427 in 2000, and 1,330 in 2007. Policing of this nature promotes indiscriminate violence over impartial investigation and armed confrontation over community dialogue. Brazil’s poorest and most marginalised communities live with the daily risk of being caught up in acts of lethal violence at the hands of the police. The UN special rapporteur on extrajudicial, summary and arbitrary executions indicates that the police are responsible for one out of every five killings in the country⁵⁰. The police have also been involved in several high profile militarised operations in the poorest areas of Brazil’s cities which proved to be highly ineffective.

47 All figures provided by UNICEF, 2008, *The State of the World’s Children 2009*, UNICEF, New York, p. 118 & 121.

48 World Bank, 24 September 2008, http://devdata.worldbank.org/AAG/bra_aag.pdf

49 PRONASCI - Programa Nacional de Segurança Pública com Cidadania.

50 Alston, Philip (2008) “Promotion and Protection of All Human Rights, Civil, Political, Economical, Social and Cultural Rights including the Right to Development. Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions Mr Philip Alston. Addendum. Mission to Brazil”. A/HRC/11/2/Add.2 future, 29 August 2008, Advance unedited version.

Economic and social inequality is also linked to the treatment of Brazil's poorest citizens who face the daily risk of being caught up in acts of lethal violence at the hands of the police. Brazil's police forces⁵¹ are poorly paid and trained, while entrance requirements are low. Police recruits are drawn from the poorest sectors of society. Policing is considered less a profession than a means to earn a regular, if modest, wage. Corruption is widespread among police officers.

Militia control of poor urban areas

The rise of informal or semi-formal militias has taken place in response to public fears concerning "criminality". However, in practice these organisations are driven by strong economic interests. Technically illegal, the militias (police officers, former police officers, prison guards, fire-fighters and others) occupy a grey area: police operations against gangs in poor urban areas have often created a power vacuum now filled by militias. The privatization of security services in Brazil is also closely related to the expansion of militia groups. The militias establish their own structures to exploit poor communities. Control of local transport services is said to be a particularly lucrative activity for militias. It was estimated in 2005 that more than 100 poor urban communities were under militia control in the city of Rio de Janeiro. Militias and organised criminal gangs alike represent the violent appropriation of the public space and the economic resources of Brazil's urban poor.

Economic, social and cultural rights and the prison system

The prison system is a fundamental element in perpetuating the link between poverty and violence in Brazil and in feeding the phenomenon of the criminalisation of the poor. The vulnerability of Brazil's poorest and most marginalised citizens to imprisonment is demonstrated by statistics that indicate that the typical prison inmate is young, Afro-Brazilian and very poor⁵². Poverty, inequality and violence not only lead to incarceration, but are also present within the walls of prisons and are generated around prison inmates and their families "on the outside". Prisons are typically overcrowded, provide poor nutrition and inadequate or non-existent health care and offer few educational or work activities. Extreme violence among inmates is common. Prison staff do not receive adequate training. Furthermore, incarceration leads to serious social stigma for a prisoner's family and, together with the economic impact of losing the detainee's income generating capacity, can lead to serious economic precariousness.

Violence against women

The State of Pernambuco has a particularly high homicide rate for women: almost 2,000 were murdered between 2002 and 2007, equal to an average of 300 women per year⁵³. Domestic violence was the principal factor⁵⁴. Poor women in particular are tied to abusive partners by both financial dependency and, particularly in the North and Northeast regions of the country, by a traditional vision of women as the property of men. Again, poverty is not the only factor. Statistics demonstrate that Brazilian women with the greatest risk of being killed by their partner are not only "poor", but also "young" and "black". Women's vulnerability to violence is compounded by the challenges they face in seeking assistance. Specialised police services with staff trained in registering and investigating cases, as well as in enforcing judicial decisions, are seriously lacking. Much of the support for women victims of violence in Brazil is provided by civil society organisations that have a low capacity to meet the demand for their services. Public services are insufficient and poorly distributed across the country.

51 In Brazil there are three police forces: the federal police and a state-governed civil police, responsible for criminal investigations, and the military police, who patrol the streets and also contribute to prison security.

52 Ministry of Justice, DEPEN, InfoPen, Consolidated Data 2008.

53 SOS Corpo, Desafios ao monitoramento das políticas públicas, Dados e Análises, IV, no. 7, September 2008, p. 5

54 SOS Corpo, Desafios ao monitoramento das políticas públicas, Dados e Análises, IV, no. 7, September 2008, p. 2

55 Many of the organisations that attended the one-day workshop in Recife for the preparation of this report considered that they were targeted by the State for their engagement in human rights, a claim that was echoed by a representative number of the organisations we met with in Rio de Janeiro.

56 OMCT, Human Rights Violations in Brazil, May 2006. See www.omct.org

57 The recommendations in the report to the Government of Brazil cover a number of ICESCR Articles. Those related to Article 11 are presented here. In addition, recommendations are presented to break the link between violence and poverty.

Violence against human rights defenders and social movements

Human rights defenders who work on issues of police and militia violence are among the most vulnerable to violence and intimidation⁵⁵. Violence against human rights defenders and social movements and the process of criminalisation is most clearly observed in the struggle to ensure access to land, address inequalities in land distribution and contest poorly planned agrarian reform. In its 2006 report on human rights violations in Brazil, OMCT indicated that the intensification of land conflict, the increase in landlessness and the growing number of evicted families were all factors contributing to the amplification of violence and killings of peasants and rural workers⁵⁶.

Conclusions and Recommendations⁵⁷

Brazil's poorest and most marginalised communities are caught in a cycle of violence and poverty. An effective and sustainable response to this violence and poverty must inevitably tackle inequality and discrimination in Brazil in addition to reforming policing policies and the prison system, as well as ensure adequate mechanisms to address violence against women and children. The extreme disparities in access to socio-economic opportunities and public services feed Brazil's high levels of violence. Discrimination in Brazil is manifested, for example, by the indiscriminate identification of Brazil's poorest and most marginalised citizens, including favela residents, as "criminals". Individuals and movements engaged in promoting and protecting human rights are often also labelled as such. The phenomenon of criminalisation contributes to ongoing and arbitrary abuses of the poor at the hands of the police, and leads to indiscriminate and lethal violence directed at entire communities. The association between socio-economic disadvantage and criminality has consequences on the access to justice for the poor, especially poor women. The Brazilian State, either by act or omission, is deeply immersed in all these situations.

Prejudice against the poor manifested in violence, results in still greater socioeconomic exclusion and severely impedes attempts to reduce Brazil's high levels of socioeconomic disparity. Individuals and communities for whom poverty and violence are daily occurrences in life, have indicated specific measures that should be taken. Their suggestions primarily focus on ensuring respect for economic, social and cultural rights, complemented by a clear and effective human rights dimension in police training and encouraging the use of non-lethal arms in the apprehension of suspects. Poor communities would be less dangerous places to live if the residents did not suffer from discrimination and had access to quality education and the real possibility of finding adequately paid work in the formal sector. Most of the necessary legislation is in place or the appropriate policies exist on paper – the challenge is to ensure that these are effectively implemented and that the benefits of these measures reach all Brazilian citizens.

Recommendations to the Brazilian Government

Adequate Standard of Living (ICESCR Article 11)

- Further promote social inclusion policies for Brazil's poorest and most marginalised populations to reduce inequalities in both income and opportunity.
- Ensure the concrete implementation of the constitutional provisions related to land and adopt an agrarian reform consistent with the principles stipulated in the Constitution that address land conflicts, ensure equitable land distribution and guarantee access to land.
- Elaborate a national policy on the regularisation of land occupation and simplify the issuance of title deeds for rural settlements, indigenous lands and *quilombola* communities.

- Undertake a census of *quilombolas* to assess the degree of recognition of *quilombola* lands and recognise and hand over property titles to *quilombolas*.
- Establish an inter-ministerial task force to address the issues of idle lands, land occupation and redistribution in accordance with the constitutional provisions that guarantee the social function of land.
- Ensure that immediate action is taken to guarantee that prison conditions meet minimum standards, including those laid down in the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Recommendations to Break the Links between Poverty and Violence

- Compile and make available data on the profiles of victims of all forms of violence, including their socioeconomic status, in order to monitor and better address violence in society and its disproportionate impact on certain groups, particularly the poorest and most marginalised.
- Provide complete statistical data on extrajudicial, summary or arbitrary executions, torture and ill-treatment, as well as police violence and violence perpetrated by public agents inside prisons.
- Review, improve and ensure the full independence of monitoring mechanisms and ensure the accountability of the State security apparatus, particularly the State military police. Ensure that appropriate disciplinary measures are taken against police officers and other public officials found guilty of abusing their position.
- Ensure that State Governments, and especially the State Government of Rio de Janeiro, avoid large-scale police operations against organised gangs in favour of systematic and planned progress in full respect of human rights that reasserts a sustained police presence and government authority in gang-controlled areas.
- Take firm and decisive steps to dismantle the network of militias that control economic resources and services in many poor urban neighbourhoods, fully respecting the law and human rights.
- Invest in training for the federal, civil and military police, ensuring that all police officers and penitentiary agents are educated in human rights.
- Place greater emphasis on police training in applying proper investigative techniques instead of interrogation.
- Establish a more effective distribution of police stations specialised in dealing with violence against women and children (*Delegacias especializadas de atendimento à mulher*). Promote the recruitment of female police officers.
- Develop a systematic training and awareness-raising programme for all law enforcement officers and members of the judiciary in relation to the investigation, prosecution and punishment of gender-based violence.
- Address violence against *quilombola* communities and their leaders.
- Address violence against indigenous peoples and ensure the absolute protection of indigenous leaders and communities.
- Establish an independent commission that carries out an impartial and thorough investigation into cases of violence against indigenous peoples related to conflict over land.

Cambodia

Land and Housing Rights Parallel Report 2009

Human Right to Food Issue

- The absence of secure housing and land tenure rights constitutes a clear livelihood risk and thus a risk to permanent access to nutritious, safe and culturally acceptable food in sufficient quantities for a productive and healthy life

Background

The Land and Housing Working Group submitted a parallel report⁵⁸ concerning Cambodia for consideration by the Committee on Economic, Social and Cultural Rights at its 42nd Session held May 4-22, 2009. The report was prepared in response to the Cambodian Government's stated efforts to comply with its obligations under the International Covenant on Economic, Social and Cultural Rights (hereafter "the Covenant"), as detailed in its State Party Report of 2008 to the Committee. These measures have been insufficient to ensure the implementation of the Covenant with regard to Article 11 (1) on the right to adequate housing, as a component of the right to an adequate standard of living. The Government has failed in its obligations to protect, respect and fulfil the right to adequate housing as interpreted by the Committee in its General Comments No. 4 on the right to adequate housing and General Comment No. 7 on forced evictions. This report focuses on the most severe violations of the right: the failure to guarantee legal security of tenure and on the resulting epidemic of forced evictions across Cambodia.

Legislative Framework in Cambodia

Article 31 of the 1993 Constitution of the Kingdom of Cambodia incorporates the Covenant rights into Cambodian domestic law, including the right to adequate housing. Article 44 of the Constitution and Article 5 of the Land Law (2001) provide legislative protection against the arbitrary expropriation of property, which can only be carried out in the public interest with prior provision of fair and just compensation. The Land Law recognises possession rights for possession commencing before 2001, which can be converted into full ownership rights through the issuance of a title⁵⁹. The Land Law also recognises collective land ownership rights of indigenous communities, including all rights and ownership protection enjoyed by private owners⁶⁰. This legislative framework provides a guarantee of secure tenure for legal possessors and owners as required by the Covenant. But there is a notable absence of legal guarantees of secure tenure for renters, informal settlers and other groups. In addition, there are no existing comprehensive laws and regulations that set out the rules and procedures to govern land expropriation and evictions, that define 'public interest', and that regulate the valuation and payment of compensation and resettlement conditions.

Facts and Findings

Absence of Secure Tenure

Violations of the Covenant are occurring because the constitutional and legislative protections that do exist have not been implemented. Provisions of the right to convert possession rights into full ownership rights are being implemented in arbitrary ways, and are not recognised for those households most vulnerable to forced evictions because they live on land that is sought after by powerful individuals and companies. Authorities have also refused to issue titles to such households despite evidence. Both possession rights and the titling system are thus ineffective in terms of guaranteeing tenure security for the most vulnerable of households.

58 "Land and Housing Rights in Cambodia - Parallel Report 2009", Contributors: Land and Housing Working Group (Borderlands Cooperative, Bridges Across Borders Southeast Asia (BABSEA), Cambodian League for the Promotion and Defense of Human Rights (LICADHO), Centre on Housing Rights and Evictions (COHRE), Community Legal Education Center (CLEC), Housing Rights Task Force (HRTF), Sahmakum Teang Tnaut (STT), and The NGO Forum on Cambodia). April 2009. The full report is available on the CD enclosed. This summary has been prepared by the WATCH Editorial Board.

59 Land Law 2001, Chapter 4.

60 Land Law 2001, Article 26, However, the legal and policy framework for the registration of collective titles for indigenous communities is yet to be finalised.

The government's 2003 commitment to upgrading urban poor settlements and ensuring their tenure security appears to have been abandoned in the face of rapid urban development. The government report states that four sites have been chosen for land-sharing projects (Dey Kra-horm Area, Borei Keila Area, Train Station-A and Train Station-B), designated in 2003 as social land concessions with plans to improve housing conditions. The government's 2008 report fails to mention what has happened since. Only the Borei Keila land-sharing project has moved forward, marred by corruption and poor planning, while the other three areas were sold or leased to private companies for commercial development with local resident communities forcibly evicted and/or resettled to peri-urban areas. In 2008, over 400 families (including approximately 150 with possession rights that could not access the titling system) were forcibly evicted from Dey Kra-horm. As of April 2009, remaining residents of the Train Station A and B communities have received "final eviction notices." The government has also failed to uphold the legal protections for indigenous communities in the Land Law, and has illegally granted economic land concessions and mining licences over indigenous land, leading to the displacement of communities and hindering their access to forests traditionally used as a source for food and other basic needs.

Forced Evictions

The absence of security of tenure, in the context of endemic corruption and a rapid influx of foreign investment and economic development, has resulted in a land rights crisis in Cambodia. At least 150,000 Cambodians currently live under the threat of forced eviction, including approx. 70,000 in Phnom Penh⁶¹. Between 1990 and 2008, approximately 133,000 Phnom Penh residents, or 11% of the city's population of 1.2 million, have been evicted⁶². And the rate and scale of land-grabbing and forced evictions has increased in recent years. This seems due to, inter alia, the granting to private investors concessions of vast tracts of land. Rural landlessness, often caused by forced evictions, rose from 13% in 1997 to between 20 and 25% in 2007⁶³. The reasons for evictions included the granting of economic land concessions; extractive industry licenses/concessions; infrastructure development; so-called "city beautification;" private development projects, including tourist industry development; and land speculation. Evictions are often carried out violently by police and military police, as well as with the use of private armed forces, despite prohibitions under the Land Law 12. In cases in which government officials are present, they neglect to provide protection to the community and to ensure the avoidance of violence. Those affected by evictions are often made homeless and landless. Rural families are deprived of farm land for their livelihoods as well as shelter. In urban areas, people are either evicted without any form of compensation, or are offered inadequate cash payments and/or woefully inadequate resettlement on the outskirts of the city without access to basic services and facilities.

The government claims in its 2008 State Party Report, that forced evictions are carried out only when necessary for public interest, that evictees are provided with fair and just compensation in advance, and that those evicted are provided with financial support or are re-housed in development areas with full access to necessary public services and amenities. In fact, evictions are carried out in the absence of exceptional circumstances, and very often for private developments or land speculation for private profit. Feasible alternatives to eviction are not explored, and those affected by evictions have had no opportunity for genuine participation or to be consulted beforehand.

61 Amnesty International, *Rights Razed: Forced Evictions in Cambodia*, AI Index: ASA 23/002/2008, February 2008.

62 Sahnakum Teang Tnaut, Report prepared for UNOHCHR (unpublished), 2008.

63 Cambodia, *Halving Poverty by 2015? Poverty Assessment 2006*, page 85, prepared for the Consultative Group Meeting by the World Bank, Phnom Penh, February 2006; and *Sharing Growth: Equity and Development in Cambodia*, World Bank Equity Report, 2007.

Housing Rights Defenders and the Courts

The absence of an independent and uncorrupted judicial system means that effective legal remedies for victims of forced evictions are not available. Perpetrators of forced evictions consistently act with impunity. The court system has, instead, been used as a tool by land-grabbers, including government authorities, private companies and powerful individuals, to legitimise forced evictions and falsely prosecute housing rights defenders. The Government, in its 2008 report, claims to have supported all NGOs and associations in furthering the “rights and freedom of the people”. Instead, the democratic space available to oppose land-grabbing and forced evictions has lately been sharply reduced. Attacks on and threats against human rights defenders in Cambodia are generally increasing; intimidation and persecution of land and housing rights activists now constitute the largest category of such attacks. The Cambodian court system is now used to press unwarranted criminal charges against housing rights defenders.

Conclusions and Recommendations

The absence of secure tenure and resulting forced evictions represent clear violations of Article 11 of the Covenant with respect to the right to adequate housing by the Cambodian Government. The absence of a comprehensive legislative framework and the failure of other mechanisms to guarantee tenure security, including an independent and effective court system, constitute a failure of the government to fulfil its Covenant obligations. The arbitrary, and often violent evictions that occur in the absence of adequate procedural protections, constitute a violation of the immediate duty to prevent illegal forced evictions. The government is failing in its obligation to protect against forced evictions by third parties, including private individuals and companies. The poor conditions at resettlement sites constitute a failure by the government to fulfil minimum core obligations of the components of right to adequate housing for those subject to resettlement.

Recommendations for the government of Cambodia:

- Adopt into domestic law all aspects of the right to adequate housing as set out in General Comment No. 4 (1991) on the right to adequate housing and General Comment No. 7 (1997) on forced evictions.
- End the illegal practice of forced evictions and implement a moratorium on all evictions until there is a human rights-compliant regulatory framework in place that ensures that development projects that will result in population displacement are genuinely in the public interest and that there is required identification of feasible alternatives to displacement with meaningful consultations with affected groups.
- Ensure that persons that will be evicted from their houses and land are offered adequate compensation and resettlement options in accordance with guidelines adopted by the Committee in its General Comment No. 7. Resettlement sites should be located in suitable areas that offer access to adequate housing, basic services, and public facilities and are close to employment opportunities.
- Ensure that there are effective, fair and timely legal remedies for victims who suffer housing, land and natural resource rights violations.
- Guarantee legal security of tenure to all households, including those in informal settlements, communal or cooperative arrangements and to renters.

- Guarantee that all legal possessors have equal access to the titling system in accordance with the 2001 Land Law, with any denial of title adequately justified by the law and legitimate reasons provided to applicants. The land tenure security of vulnerable households and communities should be guaranteed with the highest priority.
- Ensure that the legal and regulatory framework on land concessions is made consistent with the Covenant and is effectively implemented. The government should suspend all land concessions in areas populated by indigenous communities and in or near protected areas until secure land tenure has been provided through registration and until land classification, registration and zoning are fully implemented through application of the 2008 Protected Area Law.
- Take urgent steps to protect defenders of economic, social and cultural rights, including adopting the principles of the 1998 UN Declaration on Human Rights Defenders.

Recommendations for bilateral and multilateral donors providing support to the land and natural resources sectors:

- Use the Covenant and guidelines adopted by the Committee, including its General Comments No. 4 and No. 7, as a framework for development assistance and make their development assistance contingent on government compliance with the Covenant.
- Ensure that accountability for development projects is significantly improved, including through the implementation of rigorous monitoring systems and by making representations to the government on the illegality of serious violations of the Covenant when they occur.

Guatemala

Strategies for the Realisation of the Right to Food⁶⁴

64 This contribution is one of a series of articles in a report entitled: "Informe Alternativo del Derecho a la Alimentación en Guatemala 2008 – Informe de Monitoreo de las Directrices Voluntarias para el Derecho a la Alimentación" (Guatemala, December 2008), produced by the Colectivo Social por el Derecho a la Alimentación (CIIDH, CONGCOOP, Campaña Guatemala sin Hambre, REDSAG, PTI and MNA). Contributors: Victoria Mogollón and Ricardo Zepeda, International Centre for Human Rights Research. The full report is available on the CD enclosed. This summary has been prepared by the WATCH Editorial Board.

Introduction

A group of six non-governmental organisations (Colectivo Social por el Derecho a la Alimentación) undertook in 2008 the monitoring of different aspects of the realisation of the right to food in Guatemala. This article discusses one of these aspects: progress towards the enjoyment of the right to food by means of policy and programme measures during recent years. The group's intention is to open up a free and democratic space in which political positions can be formulated with respect to the enjoyment of human rights – positions that are formed considering work and experiences related to food security and nutrition, human rights and the right to food. The ultimate aim is that food security and nutrition measures will become based on right to food principles and approaches.

Facts and Findings

From food assistance policies to a right to food strategy

Hunger problems in Guatemala have historically been addressed through the implementation of food distribution programmes targeted at food insecure population groups. The National Food Security and Nutrition Policy (NFSNP) represents a first step towards the consolidation and coordination of various hunger-related public actions within a broader concept of food and nutritional security. The special rapporteur for the right to food, Jean Ziegler, at the time of the launching of the NFSNP, recommended to the government that policy measures be put in place to address structural causes of hunger and malnutrition, such as the unequal wealth distribution and the lack of opportunities for indigenous populations and smallholder farmers. There is no evidence to suggest that the previous administration took note of these recommendations. Rather, the orientation of the policy was in the opposite direction, as evidenced by the Free Trade Agreement between the US, Central America and the Dominican Republic, or the Poverty Reduction Strategy that emphasises economic growth measures to reduce poverty. The result was that in the first half of 2008, poverty in Guatemala increased to unprecedented levels.

Guatemala does not have a strategic framework that covers all the dimensions of the right to food. It is recognised that chronic under-nutrition, which affects fifty percent of all children, needs to be addressed through state action. The Programme to Reduce Chronic Under-nutrition (Programa para la Reducción de la Desnutrición Crónica - PRDC) was launched at the end of the Berger administration and became the principle component of the Strategic Food Security and Nutrition Plan 2007-2016 (PESAN). The current administration adopted the PRDC as the central focus of its food assistance policy, but decreed that it is now a strategy, without changing its contents, approaches or incorporating medium- and long-term goals. Also, the strengthening of the National Food and Nutrition Security System (SINASAN) is not foreseen in this "strategy". This means that diverse food and nutrition measures have not been brought together under the SINASAN, putting in doubt their long-term political future. A well coordinated and functioning SINASAN would mean that hunger and malnutrition problems would be addressed in ways that do not cater to the interests of political clients.

Institutional problems also abound. The National Food Security and Nutrition Council (CONASAN), the political arm of SINASAN, remains weak. It was recently announced that a new Ministry of the Family is to be established, which may mean that the Secretariat for Food and Nutrition Security (SESAN) will become part of this Ministry. The question is whether this Ministry will have the mandate to implement the recommendations put forth by CONASAN. The newly created Council for Social Cohesion may come to compete with what, according to the law, should be CONASAN's functions, thus negating important advances achieved with the National Food Security and Nutrition Policy.

Financial and programme instruments to address hunger and malnutrition problems

According to the law that established the SINASAN, the government must allocate half a percent of the value added tax (VAT) to food security and nutrition programmes and projects for the poor. These funds are to be channeled to member institutions of CONASAN in accordance with the food security and nutrition strategic plan. In reality there are certain problems. CONASAN does not prepare budget proposals that reflect its own food security and nutrition priorities. The VAT, which contributes 51% of government revenues, includes a 12% sales tax which is subject to a high incidence of tax evasion. When certain controls were instituted during the period 2001-7, these tax receipts approximately doubled. Nevertheless, the commercial sector is lobbying for a 15% sales tax, a proposal that is heavily opposed by consumers, especially since high income classes generally face low tax rates.

At present, budget allocations for food security and nutrition are higher than the minimum levels established by law. However, it is difficult to analyse budgets to determine what is exactly allocated to food security and nutrition. At the same time, it shows that the statutory allocation of half a percent of the VAT is insufficient to adequately deal with food security and nutrition problems.

The main food security and nutrition programmes are implemented by the Ministry of Agriculture, Livestock and Food and the Ministry of Education. The programmes of the Ministry of Health and Social Welfare are weak and focus on treatment. A new programme that was recently implemented applies the conditional transfer mode so that vulnerable households receive a monetary transfer conditioned on the children regularly attending school and having medical check-ups.

Responses by the Colom administration to poverty and hunger (2008-9)

The responses by the Colom administration can be analysed by looking at the measures in May 2008 to counteract the impact of soaring international food prices and the economic crisis. One response was the programme of ten so-called solidarity measures. These measures can be grouped as follows: commercial agreements to contain basic food price increases, stimulus to agricultural and rural production, as well as employment, and policy measures to establish price stability and stimulate investment. During the first three months, these measures were not sufficient to establish stability in basic food prices. By reducing import taxes to zero on certain foodstuffs, international prices were directly transmitted to the domestic market, and maximum domestic prices were not maintained. Price control measures were ineffective because no fines were imposed on violators. The conditional transfer programme, called "Mi Familia Progresada", was meant to counteract the negative social impact of the economic crisis. So far, the programme is poorly managed, and lacks action plans as well as its own funding sources. The geographic targeting of these programmes in relation to levels of poverty found in different departments can also be questioned.

A number of short-term interventions were launched in August 2008 as part of an initiative called "Intervenciones en Seguridad Alimentaria y Nutricional en Tiempos de Crisis"⁶⁵. Two types of interventions are involved: (a) a food crisis plan that contained measures to immediately improve food availability and access⁶⁶, and (b) a contingency plan. The latter involves distribution of food packages to the population in 45 municipalities classified as highly vulnerable to food insecurity and those affected by disasters caused by climate change. It is important that these interventions are complemented by long-term measures towards the realisation of the right to food. Dependence on food aid needs to be avoided.

65 Food Security and Nutrition Interventions during a Crisis.

66 Plan Coyuntural

Conclusions

The hunger and malnutrition strategies that are in place have little chance of achieving the targets that they set because medium- and long-term policies reflect little political commitment to address in coherent ways the food and nutrition situation which is becoming more serious, putting half the population at risk.

The convergence of international speculative factors, together with the lack of protection of basic food resources, has negatively affected the economic access to basic foods. As a result, 62% of the Guatemalan population lives in conditions that lack human dignity, and more than 18% of these Guatemalans are estimated to be unable to enjoy the right to adequate food, the most important human right after the right to life.

The measures put in place to deal with soaring international prices have been ineffective in the short-run. Given the uncoordinated ways in which these poorly managed measures were implemented, it is unlikely that they will produce the expected impact on lowering domestic prices, with negative consequences for the progressive realisation of the right to food.

Food security and nutrition policies should be implemented in accordance with the priorities and inter-sectoral coordination as established in SINASAN. There is a significant risk that all efforts will fail because information and support from the sectors that constitute SINASAN are not being taken into account.

The actual food security and nutrition policies are insufficient to deal with food problems. This set of policies needs to acquire more of a strategic and multi-sectoral orientation to have a greater impact. Additional policies are needed that aim at providing the people with the capacities and instruments to acquire wealth through their own efforts. In the Guatemalan context, this involves agricultural, commercial and employment policies that clearly respond to the needs of the people.

Fuelling Poverty? An Agro-Fuel Watch Guideline

Human Right to Food Issues

- *Jatropha* cultivation on food-producing land is destroying food sources and livelihoods of the food insecure and vulnerable.
- The Indian State has failed to protect the farmers adequately by failing to proactively provide information or raise awareness about *jatropha* cultivation and its possible consequences.
- The State has further failed to protect villagers' access to safe drinking water and water for irrigation.

Background

This report⁶⁷ was prepared as part of a project to systematically examine the issue of agro-fuel production in India, emphasising the impact on the right to food. An agro-fuel watch guideline can be applied for monitoring the status of the right to food in the context of the expansions of agro-fuels at community level, to develop a better understanding of the prospects and problems of agro-fuels in India.

The Right to Food and Agro-fuel Production in India

Realisation of the human right to food is one of the gravest concerns in India. Despite registering significant growth in GDP, there are alarming trends of increasing poverty, disparity and discrimination. The Government of India has embraced policies of rapid industrialisation in line with neo-liberal globalisation, and few policies and programmes have emerged as vehicles of rapid growth. One such policy prescription is the large-scale introduction of agro-fuel production, popularly known as bio-fuel in India during the last decade. The Government of India has promoted the agro-fuels as an answer to the rapidly rising energy needs of the country. Agro-fuels are widely seen as viable and convenient alternate sources of energy and as substitutes for scarce fossil fuels. It is hoped that through agro-fuels, the dependence on foreign energy imports will be lessened, employment and revenue will be created, and a positive impact against climatic change will be made. However, as experiences from other countries show, as agro-fuel production requires land and water, their cultivation competes directly with the food resources of those people who are already suffering from hunger and malnutrition. Agro-fuel cultivations have led to massive evictions of people, deforestation and increasing global food prices. Thus, it is necessary to consider the effects of agro-fuel production on the realisation of the human right to food of the most marginalised groups and communities.

Facts and Findings

Expansion of Agro-fuels in India

The term "agro-fuel" points to the link between food and fuel production and brings into focus the hidden perils and human costs associated with ventures, encouraging the latter at the cost of the former. One plant - *jatropha curcas* - has currently received overwhelming attention in India. *Jatropha*, a plant from South America, has been demonstrated to be a source of oil that is convertible into a replacement for diesel. It is a hardy plant capable of growing in saline or arid soil, is not edible by people or animals, and has various uses (candles, lamp fuel, fertiliser and lubricant for soap). Other local plants such as *pongamia*, *karanja*, and *putranjiva* are also being investigated. A major contender for sources of ethanol is sugarcane, as well as imported sugar beet.

67 "Fuelling Poverty? An Agro-Fuel Watch Guideline for India". Contributors: FIAN West Bengal and FIAN International, with financial assistance from the Heinrich Böll Foundation, India. November 2008. The full report is available on the CD enclosed. This summary has been prepared by the WATCH Editorial Board.

Central and state governments are providing lands, subsidies and technologies to individual farmers and companies to grow jatropha. All the state governments emphasise jatropha production on 'waste & degraded' lands, with the exception of Andhra Pradesh, which favours converting agricultural land to jatropha cultivations. However, the definitions of these terms remain vague and community participation in identifying lands for jatropha plantations remains insignificant. In most states, apart from the so-called agricultural "wastelands", khas land (state land) and forest areas are also being converted into jatropha plantations.

68 The Rajasthan government has a 'green patta' policy that allows for up to 5000 hectares of village common lands to be transferred to bio-fuel companies for 20 years.

There have been no significant initiatives on the part of the Government to amend any existing law in order to facilitate growing jatropha on a large scale. Various existing rural development policies and programmes are being used by different state governments for the promotion of jatropha plantations. The government of Rajasthan has used land reform rules and distributed khas land among peasants and companies for jatropha cultivation in the name of 'Green Patta'⁶⁸. There is an attempt to link agro-fuel production with the generation of more employment, especially under the NREGS (National Rural Employment Guarantee Scheme) of the central government, by employing families below the poverty line to plant jatropha. For example, in Andhra Pradesh, the government has used NREGS to introduce large-scale jatropha plantations in the drought prone areas of the state. Land is clearly the first and most important resource needed and the preference would be to not use agricultural land but "wasteland" instead. In most states across India, wastelands are often common property resources, village lands used for many purposes including livestock grazing. However, different states define wasteland differently. Government land lying vacant for ten years or more and unfit for cultivation by ordinary means, is considered wasteland in Chhattisgarh, whereas in Karnataka, it is marginal and degraded land. Little attention is paid to resources such as water, although some states such as Tamil Nadu are experimenting with drip irrigation in order to conserve water. In consideration of the risks in cultivating fuel-yielding plants, a few states like Karnataka are encouraging agricultural insurance for farmers growing jatropha.

Today, corporate interest groups are driving agro-fuel policies. Biotech companies and large agro-industrial corporations have entered the jatropha industry in India. For example, Daimler Chrysler, working together with the Indian research organisation, Central Salt and Marine Chemicals Research Institute (CSMCRI), have attempted to adapt jatropha oil for use in commercially produced car engines. Universities and other research institutions in India are also involved in research and development activities related to jatropha production and use.

Right to Food Violations due to Agro-fuel Production in India

The report details the findings of six case studies in which the local impacts of the expansion in production are documented⁶⁹. These cases demonstrate that: (a) jatropha cultivation on food producing land is destroying sources of food and livelihood of the farmers; long-term livelihood and food security may be negatively affected; (b) rural people suffer from water scarcity due to the high demand of water for jatropha cultivation; inadequate access to water can destroy both the jatropha crops and food crops, seriously affecting the food security of small farmers; (c) converting forest land into land for jatropha production restricts or destroys grazing land for livestock, and destroys the livelihood of livestock owners, including that of women, by restricting their access to firewood; and (d) when jatropha production leads to the dispossession without compensation of forest land for tribal groups, it seriously affects their food security and forces them to migrate.

69 The cases refer to the following districts and states: Giridih District, Jharkhand, Bolangir District, Orissa, Chittoor District, Andhra Pradesh, Dehradun District, Uttarkhand, Tonk District, Rajasthan, and Sarguja District, Chattisgarh

Agro-fuel expansion policies and programmes in India have not adequately considered right to food principles. The policies are hastily developed in order to enable big investors to enter the Indian economy. Large scale expansion of agro-fuels has mounted pressure on land and water, leading to further alienation of land and other natural resources formerly controlled by poor and vulnerable groups. Agro-fuel production causes land concentration. Big investors are invading rural areas in India, privatising common property resources and seeking help from the state to expropriate land for agro-fuel plantation. These invasions are resulting in land conflicts, changes in traditional production systems, fundamental changes in land holdings, and production relationships at grassroots levels distorting local power relations and disempowering vulnerable and marginal groups. The immediate results are displacement, eviction and migration of poor people from the rural areas.

Violations of the right to food because of agro-fuel production, are aggravated by the lack of awareness and knowledge of poor and vulnerable groups regarding their rights. The poor have very little opportunity to participate effectively in local level decision making. The Indian Government has not taken any initiative to enlighten people about their right to food. Many mid-level state representatives are not aware of right to food obligations. In the case of agro-fuel expansion in India, the state has not made people aware of their rights and has not taken participatory decisions with respect to new jatropha production projects.

Conclusions and Recommendations

The implementation of the right to food has an obvious priority over agro-fuel production. The role of the State in ensuring the right to food for all is well explained in all international human rights instruments and national legal framework. When analysing right to food violations associated with agro-fuel expansions in India, a set of guiding questions can be formulated aimed at generating a better understanding of the degree and dimensions of right to food violations, and to highlight the reasons behind such violations, with a specific focus on the failures of state actors. These guiding questions are developed to foster efficient and thorough monitoring at community and local levels, by providing a set of criteria which will assist victims, Community Based Organisation (CBOs), NGOs, Civil Society Organisation (CSOs) and state actors in identifying right to food violations associated with the expansion of agro-fuels at micro level.

The guiding assessment questions are organised in six themes, as follows:

- Agro-fuel practices (agro-fuel production models, use of resources in agro-fuel production)
- Infrastructure and agro-fuel production (relative state support for the production of agro-fuel and food production)
- Participation and information (participation in local decision making, informed consent, information about complaint mechanisms)
- Access to resources and assets (land and water access, legal conflicts, conservation of local species and crops)
- Nutrition status (impacts of food availability on malnutrition rates)
- Economic and ecological impacts (impacts on vulnerable groups, soil fertility, water scarcity, food security programmes for agro-fuel production, pollution and health hazards).

Recommendations to the Government of India

- Free, prior and informed consent for the use of uncontested land, with adequate and fair compensation in cases of displacement and/or evictions, and without diminishing legal, customary or traditional rights when land is used for agro-fuel production.
- Consultation and transparent communication with local communities before the initiation of projects and on a continuous basis, respecting the 73rd Amendment to the Constitution which empowers Gram Panchayats as a local self government to make development decisions with community participation, raising awareness about the right to food and making available all information regarding the impacts of agro-fuel production.
- Agro-fuel production should not be undertaken on contested land, ensuring that (a) no displacement of food crops and no diversion of resources to agro-fuel crops take place, and (b) that there are no forced evictions from the land on account of agro-fuel production; instead, environmental and social impact assessments should be conducted for new agro-fuel projects.
- Undiminished access to safe ground and surface water through ensuring compliance with national and local regulations, as well as industry standards related to contamination and depletion of water sources, enforcing the existence of water management plans and documentation of good agricultural practices for use of agro-chemicals, water use and waste discharge.
- No land conversion/overuse of natural resources; instead, promote food crops and eliminate subsidies to agro-fuel crops, ban conversions of common property resources, wasteland and grazing grounds, ensure the land tenure of vulnerable groups and protect people's livelihoods and forest lands from exploitation due to agro-fuel production.
- Policy formulation regarding agro-fuels should be based on right to food concerns protecting the right to food of all people, while adopting a human rights approach when formulating national policies related to agro-fuel production, including promoting food production and agro-fuel production by small-scale farmers, learning from experiences in other countries where food security impacts from agro-fuel production have been shown to be negative, and putting in place legislation to provide for right to food claims due to expansion of agro-fuel production.
- Research, documentation, evaluation and monitoring should periodically be undertaken to ensure the right to food of the communities affected by agro-fuel production, focusing on impacts on vulnerable livelihoods, food production, soil conditions and ecosystems, and finding ways to supply rural poor populations with needed energy sources.

Taking these Rights Seriously: Civil Society Organisations' Parallel Report

Background

The aim of this report⁷⁰, submitted by the Coalition of Non-Governmental Organizations on Economic, Social and Cultural Rights and the Kenya Human Rights Network, was to supplement the State Report and to ensure constructive dialogue during the examination of the State Report by the Committee on Economic, Social and Cultural Rights (CESCR). Thus, the report provides an expanded vision of the situation of the protection, promotion and fulfilment of ESCR in Kenya. Poverty, inequality and corruption remain the main challenges in Kenya to the realisation of economic, social and cultural rights. This article discusses the findings and facts with respect to Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) – the right to an adequate standard of living. In relation to Article 11, the report focuses on the right to housing, water, and sanitation. No specific recommendations to the Government of Kenya are included in the report.

Legal and institutional frameworks for human rights protection and promotion in Kenya

The State has not taken any legislative steps to wholly domesticate its obligations as foreseen in the ICESCR. Social and economic rights are not included in the Constitution or the Bill of Rights. Judicial tribunals have not played a critical role in the enforcement of ESCR. The High Court has established that international norms are not binding in Kenya save for where they are incorporated into the Constitution or other written laws. The provisions of the ICESCR, and most other international human rights instruments, may not be invoked directly before courts of law; they must be transformed into domestic laws or administrative regulations to have a binding effect.

The Kenya National Commission on Human Rights (KNCHR) was established to further the protection and promotion of human rights. It faces operational constraints such as reduced budgetary allocations and human resource capacity. Support from the government is limited. There is a concern that human rights are not a major priority for the government. The KNCHR is not entrenched in the Constitution, thus giving it tenuous independence and a low legal status, resulting in a weak effectiveness.

Facts and Findings

General poverty conditions in Kenya

The Kenya State Report recognises that the proportion of Kenyans living below the poverty line is on the rise. The percentage of people living in absolute poverty is now 56% (about 15 million people) with a likelihood that this will rise to 66% by 2015. Many Kenyans face ill treatment because they are poor. Discrimination abounds for poor people and vulnerable groups such as women, children, refugees and minorities. Local government authorities and police disproportionately harass the poor and youth with security raids in the name of maintaining law and order.

Kenya has pursued more social policies in the last years through the adoption and implementation of such policies as the 2002 Water Act, Gender Development Policy, law and programmes in 2005, Economic Recovery Strategy 2003-7, Free Universal Primary Education Act, and the 2007 enactment of a Draft National Policy on Land. Under discussion are the National Policy on Human Rights and National Youth Employment Policy. Most of these policies and legal instruments are well-intentioned, but once enacted, have failed to show meaningful results. The State has retained the power and production relationship patterns characteristic of the colonial period and under authoritarian regimes. The glaring evidence of this today is demonstrated by the disparaging manner with which the State continues to treat the informal sector, though it is a source of income for about 78% of the population (street traders, kiosk vendors, commercial sex workers, and casual labourers).

⁷⁰ "Taking these Rights Seriously: Civil Society Organisations' Parallel Report to the Initial State Report of the Republic of Kenya on the Implementation of the International Covenant on Economic, Social and Cultural Rights". Contributors: Coalition of Non-Governmental Organizations (NGOs) on Economic, Social and Cultural Rights and Kenya Human Rights Network (K-Hurinet). October 2008. The full report is available on the CD enclosed. This summary has been prepared by the WATCH Editorial Board.

The right to housing in Kenya

The core problems with the right to housing are security of land tenure, lack of adequate housing for low-income people, skewed land distribution and the politicising of land issues. The majority of urban Kenyans live in informal settlements in slum-like conditions. In 1983, 35% of all urban households lived under slum conditions in informal settlements, while in 1993, this figure rose to 55%. People living in the informal settlements are not only denied their economic, social and cultural rights, but are also put in a precarious legal, social and economic position thus making them vulnerable to violations of their civil and political rights. Informal settlements also exist in forest and rural areas.

The practice of forced evictions without consultation, compensation or adequate resettlement was of great concern to the CESCR in the past. The poor and vulnerable continue to suffer from evictions in violation of a 1996 Moratorium on Evictions and the provisions in General Comment No. 7. The forced evictions that have taken place in Nairobi, Rift Valley and Central Kenya reflect the unjust socio-economic history and circumstances of systemic housing rights violations and of unequal land access that most communities in Kenya experience. Forest dwellers in Kenya have endured cruel evictions and politically instigated ethnic clashes. These practices have diminished the existence of minority groups within their respective ecosystems, and have wasted the numerous social investments (e.g., in schools) previously made to support communities living in the forest.

Kenya, like other developing countries, received funds for urban site-and-service projects that provided small parcels of urban land for the development of individual dwellings. The parcels were provided with access roads, water, sewerage, electricity and garbage collection, as well as access to health clinics and fire protection. These projects were in most cases too expensive to benefit the poor, however, and the plots were, in turn, bought up by more affluent groups, thereby displacing the poor while simultaneously reducing the amount of land available for resettlement.

The State's compliance with its obligation to fulfil the right to adequate housing is wholly insufficient as budgetary allocation for the provision of affordable housing to low-income groups remains woefully low. There is no policy framework that would ensure the setting aside of land for the development of such housing. The continued absence of a specific national slum upgrading policy and legislation has further meant that all the previous upgrading projects have been unable to address the critical issues of affordability, security of tenure and accessibility, among others. The net result is that those who end up benefiting from the projects are the middle class.

The right to water and sanitation in Kenya

Access to safe water remains a challenge for most Kenyans, especially during droughts. Nevertheless, the water sector has realised policy, legislative and budgetary reforms aimed at enhancing service delivery. However, Kenya still faces an acute water shortage, and the water storage capacity needs to be expanded dramatically. The 2002 Water Act puts urban water programmes on a commercial basis, and provides for community participation in rural water supply. Water resources management and development is separated from water services delivery. The latter is left to municipalities, the private sector and communities. Due to the commoditisation of water, access to water is beyond the reach of 57% of the population that live on incomes below the poverty line. Access to and affordability of safe water are also determined by social and economic inequalities. For example, 93% of the richest 20% of the population have access to potable water, while this is true for only 28% of the poorest 20%. Disparities are more pronounced among provinces and districts. For example, 33% of the households in Nairobi Province have piped water in contrast to only 0.6% of households in Northeastern and Nyanza Provinces. Access to safe water varies from a high of 92.6% in Nairobi to as low as 13.5% in Bondo District of Western Kenya.

Statistics show that the government has performed poorly in water delivery. Thirty-two percent of most urban households have access to piped water, while in rural areas, 54% lack access to potable water. Most people rely on springs, rivers, streams, ponds and lakes for water; these sources are often temporary and likely to dry up during droughts.

The poor, especially in informal settlements, remain largely underserved with minimal changes in water and sanitation coverage. This has been primarily due to underlying market structures that result in poor people paying far more for water. In addition, the historical and contemporary failure to involve residents of informal settlements in the development of the water sector reform process, and the failure to allow residents access to information about the reforms, has actually aggravated the problem.

Nicaragua

The Right to Food and the Fight Against Hunger. One Year of the Zero Hunger Program

Introduction

The Zero Hunger programme

The Zero Hunger Program, launched in 2007, represents the current government's principal strategy to "...contribute to eliminating extreme poverty and hunger in the rural area and reduce by half between 1990 and 2015, the percentage of persons with an income lower than 1 dollar and/or who are suffering from hunger." The programme is an integrated part of the Five Year Plan- 2008-2012 called "Revolution in Agriculture, Forestry and Rural Areas," and intends to increase "...capitalization and sustainability of small peasant production, benefiting 75,000 impoverished families." The programme has distributed 13,000 productive packages, which are integrated parcels of goods, animals and services, given out by the Ministry of Agriculture and Forestry.

The present report⁷¹ undertakes a first assessment of the Zero Hunger Programme after one year of implementation. The general objective was to find out in what ways the programme contributes to the State's international rights obligation to progressively realise the right to food in Nicaragua. The methods applied in this assessment included consultation with state and civil society actors, documentation prepared by civil society organisations, public documents, field visits to communities in the departments of Matagalpa, Estelí, Chinandega and Masaya, and finally a workshop to understand the scope of the programme. In view of the large number of beneficiary families and their vast geographical distribution, this report does not claim to be exhaustive nor representative, and does not represent a complete evaluation of the programme.

Facts and Findings

Hunger and Poverty in Nicaragua

Nicaragua continues to be the second poorest country in Latin America after Haiti. Poverty in Nicaragua remains a rural phenomenon and the highest poverty rate is to be found in the Atlantic region amongst the small producers. About 68% of the rural population is poor and 80% of the extremely poor live in rural areas.

One-third of the Nicaraguan population is food insecure, and the country is considered vulnerable to food insecurity. People have to spend a high percentage of their income on food: 59% for the generally poor (62% for the extremely poor) versus 45% for the non-poor. People in rural areas spend a somewhat higher percent than in urban areas. Dietary habits in general result in the consumption of mostly grains and few fruits and vegetables. Poor rural families cover necessities by saving on food costs and selling goods, animals, tools and land which contributes to the deepening of poverty and an increase in food insecurity. Children are the most affected by chronic malnutrition.

Main features of the Zero Hunger Programme

The Zero Hunger Programme grew out of a project called the Programme for Food Production, after the emergency caused by Hurricane Mitch. The short-term objective was to provide all Nicaraguans with an adequate daily diet. The project aimed to provide capital and technical assistance to smallholder farmers as the main food producers. Until late 2008, the project had provided assistance to 5,000 poor peasant families. Its success was ascribed to democratic access to information, transparency of project rules and universal inclusion of beneficiaries.

After the elections, the project expanded to become the Zero Hunger Programme with the aim of handing out productive parcels (goods, services, animals) to 75,000 families in 5 years. The long-term financial sustainability of the programme includes loans and donations. Due to the fact that Nicaragua is constantly producing less food and does import more each year, the main focus of the program is to promote the production of food in such a way that it is profitable, competitive, economically and ecologically sustainable, and contributes to reducing food imports.

71 "The Right to Food and the Fight Against Hunger in Nicaragua – One Year of the Zero Hunger Program", Contributors: Brigitte McBain-Haas and Martin Wolpold-Bosien, FIAN International Secretariat. September 2008. The full report is available on the CD enclosed. This summary has been prepared by the WATCH Editorial Board.

The Ministry of Agriculture and Forestry (MAGFOR) implements the programme. The Ministry intends to develop the rural productive sector aimed at improving food security and sovereignty, improve food production through the provision of high quality seeds, guarantee the agricultural heritage, and increase the production of healthy food of animal and vegetable origin and promote farmers' organisations. In order to contribute to household food security, the Ministry will distribute local seeds of beans, corn, rice and sorghum for production on small plots of land.

The following programme design features are worth mentioning: (a) gender, (b) sustainability of production, and (c) participation and association. Women empowerment is an express objective, to be accomplished by providing productive parcels directly to women, particularly those who are heads of the household. Conditions are that the women own 1 to 5 manzana (= 0.7 ha) of land, agree to attend farmer training courses, and do not currently own any of the goods included in the parcel. From the point of view of the right to food, the programme targets poor rural women, but there is a lack of actions to increase women's access and control of productive resources such as land, and to reduce rural women's work loads. The programme is intended to foster sustainability of diversified food production through sound management of natural resources. Through the conversion of the family plots into integrated peasant farms, with an emphasis on the combination of intensive agriculture/forestry with animal grazing, food commodities such as milk, meat, eggs, fruits, vegetables and grains are to be produced for household consumption and markets. The provision of productive parcels is seen as an instrument of citizen participation in sectors at community and municipal levels, and of fostering communal networks of social and economic organisations. Beneficiary families are to organise into productive units of 50 families that lead to small-scale enterprises to revitalise local economies.

Implementation of the Zero Hunger Programme

The implementation process of the programme has raised a number of issues of concern: (a) selection of beneficiary families; (b) geographic coverage; (c) staff shortages for farmer training; (d) no involvement of NGOs with expertise in relevant subjects; and (e) no actual monitoring of programme processes and impacts. Although political favouritism should not enter into the selection of programme beneficiaries, there is a growing concern that this is, in fact, happening. There are no universal and transparent selection criteria for the whole country. Instead, selection criteria are established locally, increasingly through the newly set up citizen power councils which are affiliated with the Sandinist Front for National Liberation (FSLN) party. MAGFOR only supervises whether selected families comply with the participation pre-conditions. There is a large number of persons living in extreme poverty that do not fulfil the pre-conditions of the programme. The geographic distribution of beneficiary families suggests that programme coverage is biased against more remote areas where programme costs are higher due to transportation costs. The costs per parcel also vary among regions in spite of central purchasing by MAGFOR. Low levels of implementation, particularly of the livestock component, are due to low availability of pregnant livestock for distribution. Technical staff is hired from national universities, and thus lack knowledge of local conditions such as soils, and economic, social and cultural factors. MAGFOR sees no need for NGO involvement in the programme, but instead suggests that NGOs work in parallel fashion investing in productive agricultural activities. Because of a lack of financial resources, there is no independent monitoring or evaluation system of the programme that uses transparent methodologies. Consequently, actual programme impacts are difficult to assess.

A number of implementation challenges remain, some of which are as follows. The programme will not contribute to the realisation of right to food for the landless population. The programme design is not appropriate for indigenous territories with communal land ownership with no custom of holding animals in enclosed areas, and where cow's milk is not part of traditional diets. The massive livestock and inputs purchases by MAGFOR raise prices in local markets. Ten percent of the animals are lost due to poor handling and theft, reducing programme cost efficiency. New intra-communal divisions are created when parcels are distributed along political party affiliation. Integrated production methods need to be accepted by farmers for sustainable development. Gender issues need to be addressed and the integration of the whole family be promoted – a challenge in a short period of time.

Conclusions and Recommendations

It was a significant political decision of the Nicaraguan Government to implement a strategy to reduce hunger and poverty and to prioritise measures targeted at the poor and vulnerable. The priorities are the energy, water, health and education sectors, as well as stimulating the economy. The most conspicuous and publicised measure during the first year of the Ortega Government was the Zero Hunger Programme with the goal to improve the food and income situation of up to 75,000 families in 5 years. However, the observations and verifications contained in the present report raise certain doubts about the sustainability of the programme. Significant weaknesses were detected with respect to the selection of participating families, their training in farm methods and the provision of follow-up services.

It was found that there is little transparency in programme execution; different organised civil society actors are not integrated in the programme, nor are there programme linkages with relevant civil society projects. The programme is not being monitored. The role of the Councils of Citizen Power in the programme is not clearly defined or transparent.

Recommendations to the Government of Nicaragua

Short term:

- Implement participatory and transparent ways to design and apply public policies related to the right to food, land and rural development.
- Establish an independent monitoring and evaluation committee of civil society to identify ways to improve the programme. Establish a grievance procedure by which programme participants can lodge complaints related to the programme.
- Eliminate any kind of discrimination in the implementation of the programme in accordance with the Constitution of Nicaragua, the Universal Declaration of Human Rights and the other international covenants ratified by the country.
- Establish clear and transparent criteria to determine who can be the nominated women and who not. The simple criterion of “impoverished” is not sufficient to favour the poorest persons.
- Deliver animals of good quality and provide recipient families with adequate training, as well as in other subjects related to programme components, even when political pressure to hand over 15,000 parcels per year constitutes a significant operational burden.

Medium term:

- During programme implementation, access and make use of the knowledge and expertise of organisations with experience in agricultural and organisational work.
- Give priority to the “Backyard Parcel” programme component for families with less than 1 *manzana* of land so that the poorest families become programme beneficiaries. The programme so far only considers families with more than 1 *manzana* of land.
- Take a holistic approach to the gender issue by training the whole family; it is not sufficient to hand over cows to women to empower them. Also, handing out parcels to women should not add to the work load for women.
- Develop a programme strategy to promote the notion that women should be co-owners of the land or of the homestead.

Longer term:

- Develop a progressive strategy, beyond the Zero Hunger Programme, to fight and eliminate hunger to fulfil the obligation to achieve the right to food for all women, men and children.
- Adopt policies, norms and projects to guarantee and fulfil the right to food, through measures such as land reform, improved access to water resources, and job creation particularly for vulnerable and marginalised groups.
- Re-adopt a land policy in an agrarian reform framework, integrating women who now only own 10% of the land, and receive less than 10% of rural credit.
- Take the necessary steps to adopt the Law on Food and Nutrition Security and Sovereignty by the National Assembly to ensure the justiciability of the right to food. Include claim mechanisms to protect the right to food in the Zero Hunger Programme.

Uganda

The Right to Food of Milk and Maize Farmers: Report of an Investigative Mission

Human Right to Food Issues

- Trade policies that result in dumping and market deregulation may contribute to sharp increases in imports from developed countries, negatively affecting incomes of small-scale producers and their access to food.
- Such trade policies may mean that the state has breached its obligation to respect, protect and fulfil the right to food of low income households.
- Exporting countries may then have breached their extraterritorial obligations to respect and protect the right to food of poor communities.

Introduction

Free trade agreements between industrial and developing countries often lead to surges in imports in a developing country, severely affecting its industry or other economic sectors. Small-holder farmers in the developing country lose market access causing workers to lose jobs, and thus their incomes, negatively affecting their enjoyment of social and economic human rights: they may no longer be able to buy enough food, pay school fees for their children and/or pay for health care. For smallholder farmers, access to land, water, seeds, extension services and markets are crucial to the enjoyment of their right to food.

For this assessment study⁷² conducted in Uganda, the dairy and maize sectors were chosen because milk and maize are both produced by small-scale farmers and imported from the EU, and are important for rural development, food security, employment and income.

Facts and Findings

Uganda's trade relation with the European Union (EU)

The EU is a major export market for Ugandan products. It accounts for 47% of all exported goods, while the EU, in turn, also exports many goods to Uganda. Between 2000 and 2004, Uganda imported from the EU maize valued at USD 11.7 million and dairy products valued at USD 3.4 million. The EU is also a primary external supplier of agricultural products for Uganda. EU exports have a huge impact on the Ugandan economy since there is a significant trade imbalance between the agricultural sectors in the EU and in Uganda. Small-scale farmers and those who have invested in processing cannot compete with EU products. While the EU is the biggest milk producer worldwide, the dairy sector in Uganda is still developing. EU dairy exports are generally subsidised to be competitive in the world market, while Ugandan dairy farmers do not receive any support from their government.

There was little evidence at the time of this study that EU milk imports significantly limited market opportunities for Ugandan milk producers. But this may change in the near future for three reasons: (a) increases in the ceiling for milk production (milk quota) in the EU, (b) reintroduction of export subsidies for cheese, milk powder and butter in the EU, and (c) falling world market prices for dairy products, intensifying competition among exporting countries, possibly leading to dumping.

Uganda imports some maize seeds and maize from the EU, but the majority of its imports constitutes food aid for internally displaced people (IDP) who live in camps in Northern Uganda. The World Food Programme (WFP) implements the distribution of food aid and is the main maize buyer in Uganda. Uganda does not seem to compete in maize exports/ imports with the EU. However,

72 "The Right to Food of Milk and Maize Farmers: Report of the Investigative Mission to Uganda". Contributors: FIAN International, Heidelberg, and Consumer Education Trust (Consent), Kampala. April 2009. The full report is available on the CD enclosed. This summary has been prepared by the WATCH Editorial Board.

the WFP buys only the best maize, and some traders routinely follow the WFP trucks to buy maize from IDPs. Hence, maize supplied as food aid reaches the local markets, causing a dumping effect on the domestic maize market as those traders offer high quality maize at low prices.

Uganda's Negotiations on an Economic Partnership Agreement (EPA)

Civil society concerns centre around the potential negative impact of an EPA on Uganda's development, mainly on livelihoods, employment, and regional integration. Implementation of the EPA may mean the demise of the farming sector which cannot compete with EU imports. The fear is that Genetically Modified Organisms will enter through the back door. Another concern is the lack of consultations about the EPA with stakeholders, including Parliament.

The EU position is that an EPA would be positive for Uganda as the EU is its biggest export market, and that a more protective trade policy would bring no benefits for Uganda: import shares of EU milk powder are below 1% and would not significantly increase under the EPA.

Dairy Farming in Mbarara District (Western Uganda)

Mbarara is known as the main cattle raising area. Milk is an important income earner in this region. Most farmers do mixed farming apart from cattle-raising, and grow mainly millet, groundnuts, maize and matoke (banana). The majority of farmers have only small plots for cultivation. They face food scarcity from October to December. Milk production has increased over the last few years because of high yielding cows. Cows are generally fed grass as farmers have not yet adopted haymaking techniques. The dependence on grass to feed their cows makes farmers easily vulnerable to seasonal and other climate conditions.

The main bottleneck for the farmers is the marketing of milk, especially in the Kampala markets which have been flooded with milk from farmers around Kampala. Some farmers have moved to Kampala to be closer to the main market, indicating that cooling and transport infrastructure is a major problem within the supply chain. Farmers who are members of a cooperative bring their milk by bike to a milk collection centre, on average 5 to 6 kilometres away from the farms. Milk is highly perishable and the milk loses quality via the bike transport. A major marketing problem is the fact that farmers do not collect all milk produced during the wet season when there is surplus. They sell the surplus to informal traders at low farm gate prices.

There is no direct competition between local milk production in the Mbarara village and imports from the EU. The local production reaches the informal market while imports reach the formal market. Only members of cooperatives may be affected by imports since they supply the formal market chain. Farmers fear that imports reduce prices and discourage investments in processing plants. Imports might affect marketing opportunities for farmers, as imports occupy a large share of the formal market. This may be one of the reasons why local milk is not processed and does not ultimately enter the formal market.

Hunger occurs among dairy farmers, as some dairy farmers suffer food shortages, particularly during the dry season. This presents a paradox of growing milk production, a growing demand for dairy products and, at the same time, growing poverty among dairy farmers. The reasons for this situation seem to be: (a) considerable investment needed to replace indigenous cows by cross-breeds and Friesian cows, and (b) farmers have entirely lost access to the formal dairy supply chain following the deregulation and privatisation of processing and marketing.

Maize Farming in Bugiri District (Southeast Uganda)

Eighty-six percent of the households are food insecure and face hunger for four to six months a year (April to June and October to December), while only 40% have access to safe water. Most farmers practice subsistence farming. Soils are fertile, but, since 2003, farmers have struggled against *Stryga*, a disease that affects maize. Approximately 60% of the farmers cultivate less than 2 acres, and 30% between 2 and 15 acres. Maize is a cash and food crop, while coffee and rice are grown for sale. Almost all farmers grow maize, but only on a certain share of their land. Farmers are unaware of maize being imported from the EU, but are aware that maize is imported from the US and South Africa. Farmers have been unable to sell maize to the WFP, because they cannot meet the quality and quantity requirements of WFP. A few farmers who did sell to the WFP have stopped doing so because WFP payments were late, while payments by farmers on bank credit were due much sooner.

Conclusions and Recommendations

No direct impact of EU agricultural trade policy on small-scale maize farmers has been found so far. Current EU imports of dairy products do not compete directly with dairy products from small and medium dairy farmers, as these imported products usually do not enter the informal markets. However, imports of processed dairy products like milk powder, butter, cheese and yoghurt together represent about 50% of the formal dairy supply. This is partly attributed to the rise in supermarkets in Kampala. The EU is the third biggest external supplier of dairy products for Uganda. Domestic sales of imported milk products are increasing much faster than those of local milk, with 100,000 liters of local milk being destroyed on average every day.

There is a danger that imports impede the development of the domestic dairy industry, thereby constraining income increases for smallholder dairy farmers. Direct European imports are not the main share of Ugandan imports, but evidence suggests that European imports in South Africa and Kenya indirectly lead to an increase in Ugandan imports. The EU has increased, and is further increasing, the milk quota, and recently reintroduced export subsidies on dairy products. This raises fears that Ugandan dairy farmers will face more competition from the EU in the future. The EC has kept the door open to maintaining export subsidies even after 2013, even though in the WTO negotiations, it had already committed itself to end these subsidies by 2013. While other countries have increased import tariffs as a reaction to the reintroduction of export subsidies, Ugandan dairy tariffs will have to remain at the currently low level of 25%. Uganda has lost a policy space necessary to properly protect the market and the right to adequate food of Ugandan dairy farmers in the near future.

Recommendations to the European Union (EU) and the East African Community (EAC)

- Conduct a Human Rights Impact Assessment of the (EPA) before any further negotiations are held – as recommended by the Special Rapporteur on the Right to Food in his recent report to the Human Rights Council on the relationship between WTO agreements and the State’s obligation to respect the human right to food.
- Revise the Interim EPA to eliminate limits on Uganda to protect and promote the right to adequate food for small-scale farmers. Nothing should hinder the government to increase tariffs whenever European imports threaten market access and the incomes of people with food insecurity. Further EPA negotiations must allow substantial participation of parliaments and civil society organisations. The EU should not put pressure on the EAC to conclude a comprehensive EPA.
- Revise the decision to increase the milk quota by 2%, and maintain the milk quota system beyond 2013, but phase out export subsidies immediately. Make sure that surplus dairy products are not exported to Uganda at dumping prices.
- Support smallholder food production in obtaining official development assistance from governments and donors.

Recommendations to the Ugandan Government

- Increase efforts to facilitate access to internal markets through self determined marketing groups of farmers. These marketing groups will likely strengthen the bargaining power, especially of smallholders, towards informal vendors or middlemen, and facilitate access to formal markets at fair prices.
- Increase the public spending on agriculture from 4-10%, as agreed to in the Maputo Declaration. With support of development partners, promote access at affordable prices of smallholder farmers to inputs like high quality seeds (locally adapted in close cooperation with local communities), extension services, low interest loans, storage and processing facilities.
- Guarantee women the right to inherit land through a law formulated by women’s rights organisations and enforced by public awareness raising campaigns and trainings of local authorities and land registrars.
- Increase efforts to improve quality of public schools and to reduce or to abolish secondary school fees, as these represent the largest expenditures of farmers and might discourage them from sending their children to secondary school. Higher educational levels will help the future generation of farmers to improve production and gain more bargaining power against traders.

Recommendations to the World Food Programme

- Purchase maize from Ugandan smallholder farmers. Specific measures may include: (i) pay on the spot, (ii) assist the Ugandan Government to set up a credit scheme for smallholders, and (iii) accept lower quantities than 50 tons.

Zambia

The Right to Food of Milk and Honey Farmers: Report of an Investigative Mission.

73 "Right to Food of Milk and Honey Farmers: Report of an Investigative Mission to Zambia". Contributor: Civil Society Trade Network of Zambia (CSTNZ), Kabulonga, Zambia September 2008. The full report is available on the CD enclosed. This summary has been prepared by the WATCH Editorial Board.

Introduction

The objective of this investigative mission⁷³ was to investigate whether the right to food of the milk and honey farmers is being violated by current trade agreements in Zambia, and to assess the impact that Economic Partnership Agreements (EPAs) will have on the dairy and honey sectors. Milk and honey were chosen because they are important products that support the livelihoods of some of the most marginalised people of Zambia. Milk production is likely to be affected by the signing of the EPAs: the EU's dairy sector is highly subsidised and its milk products are likely to flood Southern African markets. This will most likely disadvantage Zambian small-scale farmers whose production is not subsidised at levels similar to those of their EU counterparts. The honey sector in Zambia is growing fast and provides a major income supplement. It is a strategic product with which farmers hedge against disasters in conventional agriculture, including low prices of other food crops. The mission visited dairy farmers in Magoye in Mazabuka District, and honey farmers in Munkulungwe, close to Ndola.

Facts and Findings

Poverty, food security and agriculture in Zambia

Poverty in Zambia can be classified as income and non-income poverty. In spite of positive economic growth trends during the last few years, Zambia has not experienced a significant decline in income poverty. In 2004, it was estimated that 68% of the population fell below the poverty line. The incidence of extreme poverty fell from 58% in 1998 to 53.5% in 2004. Poverty remains concentrated in rural areas. The majority of rural households in Zambia depend on the consumption of their own products.

Small-scale farmers contribute greatly to the national food security, but they are the most food insecure. Small-scale farming in Zambia still remains a major vehicle for poverty reduction and income generation for communities that depend on agricultural activities. The typical small-scale farmer owns 2 acres or less and is engaged in subsistence agriculture. These marginal farmers with large families face high levels of poverty - especially among female farmers. They depend very much on rain for their agricultural production, lack access to affordable credit, and find it difficult to access domestic markets as these are flooded by imported goods.

The government has recognised the important role of agriculture in reducing poverty in the rural communities and in ensuring sustainable economic growth. The agricultural sector currently contributes, on average, between 20-22% to the national GDP and accounts for 85% of total formal and informal employment. Clear targets for food security have been set by the government: at least 90% of the population should be food secure by 2010. The contribution of the agriculture sector to total foreign exchange earnings should increase from the current 3-5% to 10-20%, while the overall contribution of agriculture to GDP should rise to 25% by 2010. Whether these targets will be achieved remains to be seen.

Zambia's trade with the European Union

Zambia's trade with the European Union is currently governed by the Cotonou Partnership Agreement (CPA), which extends preferential access to EU markets. In addition, Zambia is a beneficiary of the "Everything But Arms" initiative which grants market access for all exports free from tariffs and quotas, except for rice and sugar. Thus, all Zambian exports to the EU are duty-free and 55% of Zambian exports to the EU enjoy a significant degree of preferential treatment. The trade pattern between Zambia and the EU follows a standard factor endowments-based specialisation, with the former exporting primary products and the latter exporting capital and manufactured goods. Zambian exports to the EU are concentrated in a few sectors. The EU has become the

most important market for Zambian non-traditional exports which represent three quarters of all exports. Zambian imports from the EU are much more diversified than its exports. The main imports consist of capital equipment, processed and semi-processed materials for productions, vehicles and pharmaceutical products, while second-hand clothing and furniture are also of some importance. The extended market access provided by the CPA does not seem to have played an important role in stimulating Zambian exports.

South Africa is presently the major exporter of milk products to Zambia, and EU dairy exports are restricted by tariffs. However, EU dairy exports to South Africa are re-exported to Zambia, thus losing their EU identity. EU dairy exports are projected to decline even with anticipated increases in the ceiling of EU milk quotas, but concerns remain over possible disruptions by EU imports of local markets in Zambia.

Zambia does not import any quantity of honey from the EU, but will be competing on an equal footing under the EPAs with some major competitors which, compared to Zambia, currently face higher tariffs in EU markets. EU rules of origin, packaging and chemical analysis on organic products (including honey and beeswax) are another challenge for the Zambian honey industry.

The right to food in the EPA negotiations

Zambia ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1984 and, thus, must not enter into agreements that limit its ability to protect and fulfil the right to food of all Zambians. Entering into such an agreement constitutes an act of the breaching of obligations under the ICESCR. All EU member states have ratified the ICESCR and should respect, protect and contribute to the fulfilment of the right to food in other countries when negotiating trade agreements like an EPA. Trade agreements should not only never undermine the ability of people in other countries to feed themselves directly, but should also not undermine the ability of states to protect and fulfil the right to adequate food of their population.

Magoye small-scale dairy producers

The Magoye Smallholder Dairy Farmers Cooperative currently consists of 400 members (of whom 50 are women) and has a daily milk collection of 1,800 litres during the dry season and 4,000 litres during the rainy season. Through several projects, the Cooperative has been able to improve herds and milk production. It has a formal and guaranteed market as all collected milk is sold to Parmalat Zambia at an agreed price.

The Magoye dairy farmers face a number of problems as identified by them. Production is hampered by the ever-increasing cost of inputs. There are no export restrictions on the cottonseed cake, a vital ingredient in making stock feed. Appropriate technologies, and good cattle breeds and stock feeds are lacking. Agriculture extension services are inadequate, credit schemes for small producers are lacking, and prices set by monopolistic buyers are low. The threat of large increases in milk imports due to EU trade agreements pose a particular concern for these dairy farmers.

Munkulungwe Bee Keepers Association

There are currently more than 30 small-scale farmers of whom 13 are women, and all are members of the Munkulungwe Bee Keepers Association, which currently has fifteen beehives and an annual production of approximately 1200 litres. Farmers have not found a formal market, as quality standards and packaging requirements can not be met by farmers. Most of its honey production is sold informally. The community does not have adequate storage facilities which would enable them to store enough to capture high prices at the peak period.

Munkulungwe farmers expressed a number of concerns. These included: lack of support to acquire new and improved hives, no access to formal markets and to financial credit, and consumer preferences for honey substitutes, many of which constitute imported products. Furthermore, school fees and medical expenses need to be covered, while termites and bush fires constantly threaten the survival of hives and bees.

Conclusions and Recommendations

Honey and milk production are emerging sectors that have the potential to lift many rural people out of abject poverty by providing income, employment and a source of food for their communities. However, at present, the milk and honey farmers' right to food is not realised. Reasons include current trade agreements that have put milk and honey producers in stiff competition with cheap imported products from both within and outside the region. Producers have contracts with unfavourable terms that do not allow them to sell their products to other buyers. Producers usually do not take part in price negotiations. Milk and honey farmers lack support in terms of access to credit and their local market access is limited as they find it difficult to compete with imported products, while being unable to meet the product standards demanded by supermarkets without technical and financial support. If these supply side constraints are not adequately addressed, these farmers will remain poor and will not reap any benefit from the EPAs. High levels of poverty were encountered in the farming communities that were visited, and most families fail to access educational and medical services.

The right to food of these small-scale farmers and their families will continue to be violated despite the fact that they are the major producers of national food in the country. Their right to food must be fully respected in current and future trade agreements. Both Zambia and all members of the European Union, as states parties to international human rights covenants, have the obligation to respect the rules enshrined in these treaties. Zambia implemented in the early 1990s the structural adjustment programmes (SAPs), with considerable negative economic consequences for the country. EPAs are based on the principle of reciprocity, and their impact will be far more severe than that of the SAPs. Caution needs to be applied when negotiating and implementing such trade agreements between two unequal powers.

Recommendations to the Government of Zambia and the European Union

- Fully take account of the economic, social and cultural rights of small-scale farmers, such as milk and honey producers, in the ongoing EPA negotiations, to protect and fulfil these rights.
- Put in place measures to protect the interests of the small-scale farmers that address supply side constraints that have prevented small-scale farmers to participate effectively in both local and international trade. Such measures should aim at lowering production costs of small-scale producers in the dairy and honey sector, and assist these farmers to meet market requirements such as product labelling and high safety standards.

CLOSING REMARKS

The articles included in the first part of the WATCH provide a number of recommendations that should become part of the upcoming debates regarding governance of the world food system. At the same time they point to the need for more effective public control over the land grab process that is exacerbating landlessness, poverty and hunger. The recommendations outline what a good governance system should look like, who should take responsibility for it, and who should be held accountable for results. Discussions among FAO State members, held in July 2009 took a step forward in defining important aspects of the global governance system through the revision and strengthening process of the Committee on World Food Security (CFS). There are signs that the debate is leading towards a consensus. However, many contentious issues remain and with little time to resolve these before October 2009, when decisions will have to be made in the CFS meetings and in November at the World Food Summit. And one can ask: consensus among whom? There are signs that there will be more civil society participation in the new CFS, but how well will the social groups most affected by hunger and malnourishment be represented in this process? Will the revised CFS be able to maintain its independence in relation to the private corporate and International Financial and Trade institutions? When will all this translate into concrete actions that have a significant impact and reverse the current trend of increasing hunger in the world? The reform of the CFS may be necessary but is surely not sufficient for the world to see shortly a decrease in hunger. And will the reformed CFS have enough teeth, even if broadened in its composition, to hold national governments, inter-governmental bodies, and trans-national conglomerates accountable for meeting their obligations to respect, protect and fulfil the right to food and nutrition? Nevertheless, a revitalised CFS should make a significant contribution to the coordination of global actions, and to monitoring of the hunger and malnutrition situation.

Summarising the conclusions of the set of articles in the second part is difficult given the breadth of topics that they cover. At the same time they underline again the importance of the interrelatedness and interdependence of all human rights. Violations of civil and political rights are likely to lead to violations of the right to food and nutrition, as do violations of other economic, social and cultural rights. Some of the articles provide country-specific evidence of how government's failure to respect and protect human rights, and the right to food and nutrition, really affect the most marginalised. Some articles focus on how international trade agreements promoted by multilateral bodies can have a negative impact on the realisation of the right to food and nutrition on the ground. This represents one of a number of significant spheres for action for a more effective global coordination system that is able to hold accountable whoever it is that contributes to the violation of the right to food and nutrition.

This is the second year of the WATCH. The preparation of the 2008 and 2009 issues has left a number of important lessons regarding the yearly process of preparing the WATCH. Good communication with contributors throughout this process is critical. The WATCH Secretariat in consultation with its Partners intends to issue guidelines for contributors, including what the timelines are for submission of articles and follow-up with authors by the editorial board. Starting with the 2010 WATCH, the theme will be announced one year in advance. The announcement of the theme starts off the process of inviting contributions. Consideration may be given to include new features in subsequent issues, such as: announcements of recent or upcoming important events related to the right to food and nutrition, and an opinion section to which readers can contribute written opinions regarding a right to food issue – to create a sense of community of practice. WATCH readers and contributors are invited to share any ideas along these lines with the FIAN Secretariat.

Finally, the WATCH is seen by consortium members as an important input and tool to stimulate debate and lobbying activities, and promote the mobilisation of all parties interested in the protection and promotion of the human right to adequate food. We sincerely hope that this first official issue of the Right to Food and Nutrition Watch will be put to good use in holding governments accountable for lack of action and of commitment to the eradication of hunger. With a great deal of urgency, governments must present adequate and coherent proposals towards the eradication of hunger and malnutrition at the World Food Summit in November 2009 in Rome. We will keep our eyes open and stand ready to support the struggle of civil society and social movements to hold governments accountable for follow-up on their commitments and for respecting their obligations.

2015 ?

The gap between promises and reality is increasing. In 2009, the number of undernourished people in the world reached the historically high figure of 1.02 billion people, about 100 million more than in 2008. The international community and national governments are painfully far from realising the World Food Summit targets to halve the number of chronically hungry people in the world by the year 2015. It is clear that the global governance of the World Food System needs to be remodelled in order to effectively overcome hunger and its causes.

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