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

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

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

[11 February 2011]

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

Food sovereignty: a strategy for the realization of the right to food

1. Human Rights Advocates continues its work on the right to food with a focus on food sovereignty. This paper discusses the negative effect that food aid and practices such as large-scale land acquisitions have had on the food sovereignty of recipient nations.
2. The right to food has been universally acknowledged as a fundamental human right. While Article 25 of the Universal Declaration of Human Rights was the first to acknowledge a right to food, Article 11 of the International Covenant on Economic, Social and Cultural Rights codified the right to food in international law and linked the right to food to the “inherent dignity of the human person.”¹ Nonetheless, the right to food is subjected to regular violations in communities across the globe who are faced with food insecurity, undernourishment and hunger. According to the Food & Agricultural Organization, more than one billion people in the world go hungry and undernourished.²
3. One concept that has been at the forefront of the discourse on the right to food, and has the potential to make the right to food a reality, is food sovereignty. Food sovereignty has been defined as the right of people to healthy and culturally appropriate food produced, to the extent possible, locally, through ecologically sound and sustainable methods.³ The concept also incorporates the right of people to define their own food and agriculture systems by putting those who produce, distribute and consume food at the heart of food systems and policies, rather than the demands of markets and corporations. Food sovereignty prioritizes local and national economies and markets and empowers local producers while promoting environmental and economic sustainability.⁴
4. Due to unequal access to food, food aid has become the most significant tool in addressing problems of hunger and undernourishment. While the provision of direct food aid has saved thousands of lives in emergency situations, non-strategically delivered food aid has the potential to have a significant negative impact on food security. Aid can undermine the livelihood of local farmers, and local production and thus in the medium and long-term it can undermine sustainable access to food for the recipient state. Haiti has been receiving food aid for over half a century yet more than three-quarters of the population remains unable to fulfill the basic need for food. In 2008 local production amounted to less than 42% of country’s food consumption, compared to over 80% thirty years ago.⁵ Food aid to Haiti continues to undermine its food sovereignty since the earthquake.⁶
5. A number of international instruments acknowledge the role of food sovereignty in advancing the realization of the right to adequate food. The Food and Agricultural Organization’s Voluntary Guidelines dictate that the donor States must provide food aid in such a way that promotes food safety and does not disrupt local food production. Food aid

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

² The State of Food Insecurity in the World, Food and Agricultural Association of the UN, Rome, 2009 at p.4

³ Nyelien Declaration, <http://www.landaction.org>

⁴ Id.

⁵ World Food Programme; at www.wfp.org/fais/quantity-reporting

⁶ Miami Rice: The Business of Disaster in Haiti; at <http://www.towardfreedom.com/home/americas/2212-miami-rice-the-business-of-disaster-in-haiti>

policies must support national efforts by the recipient States to achieve food security.⁷ This empowers recipient States to direct and inform aid policies.

6. The Food Aid Convention (FAC), a legal instrument of the International Grains Council echoes the principles set forth by the FAO Guidelines. The purpose of the FAC is to “contribute to the world food security and to improve the ability of the international community to respond to emergency food situations and other food needs of developing countries.”⁸ The FAC highlights the importance of a beneficiary focused approach and calls for and underscores the importance of a needs evaluation as a means to enhance food security in recipient countries.⁹ While both FAO Guidelines and the FAC are clear in setting forth the principles that should govern the provision of food aid, failure of States to adhere to said principles has resulted in threats to food sovereignty in recipient States.

7. The 2009 Report of the Special Rapporteur on the right to food emphasized that States are required to comply with human rights principles when providing food aid, even though food aid is a voluntary commitment.¹⁰ It should follow then that provision of food aid should comply with the principles of Aid Effectiveness as set forth in relevant international instruments—the Paris Declaration of 2005 and the Accra Agenda of 2008. The Paris Declaration is focused on five mutually reinforcing principles. Donor States committed themselves to recognizing the *ownership of recipient States* over aid; to engaging in *aid harmonization* with other donors such that the efforts of donors are better coordinated and duplication is avoided; to lining up aid behind the priorities outlined by the recipient States and in building *effective partnerships* with local governments; to *tracking and accounting* for results; and to *mutual accountability* of donor and recipient nations to each other achieved by increased transparency in aid.¹¹

8. The Accra Agenda for Action makes recommendations based on evaluations that were conducted after the adoption of the Paris Declaration. One area where progress was found to be lagging was recipient states’ contribution to overall aid strategies and importance of building capacity and infrastructure within developing countries. The Agenda calls upon the developing countries’ governments to take stronger leadership on development policies and on donor states to support these efforts by respecting countries’ priorities, investing in their human resources and institutions, making greater use of local systems to deliver aid, and further increasing predictability of aid flows.¹²

9. In the context of food aid, the principles of Aid Effectiveness underscore the key concepts of food sovereignty. Just like food sovereignty places local food producers at the center of decision-making & policy, the Paris Declaration puts ownership over aid on recipient nations. This would improve the quality of aid, and therefore contribute to the realization of the right to food. Holding donors of food-aid to aid effectiveness standards as set forth by the Paris Declaration and the Accra Agenda would contribute to that end and protect human rights as suggested by the Special Rapporteur.

10. Land-grabbing is another practice that undermines food sovereignty. In Madagascar, the concerted actions of public and private actors led to the implementation of policies that were aimed at snatching up farmlands from local farmers for export oriented agricultural

⁷ FAO Voluntary Guidelines, 15.1

⁸ Food Aid Convention, Article I

⁹ Food Aid Convention, Article VIII

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

¹¹ The Paris Declaration on Aid Effectiveness (March 2005), available at: http://www.oecd.org/document/18/0,3343,en_2649_3236398_35401554_1_1_1_1,00.html

¹² Accra Agenda for Action (2008), available at: http://www.oecd.org/document/18/0,3343,en_2649_3236398_35401554_1_1_1_1,00.html

activity. This acutely impacts the impoverished populations in the target nations who give up control of large tracts of fertile land. These are also the populations that are most food insecure to begin with, and such action undermines their food sovereignty further. The small landowners fall within this impoverished segment, and have been identified “as the single most important group of those who are food insecure in the world today.”¹³

11. Moreover, there is a need to protect small landholders from both foreign action as in Madagascar, and local government action. The Special Rapporteur’s Report on the right to food in China points to the property rights of smallholders as a potential opportunity to further food security. In fact this may be relevant to all states, especially ones that unlike China are food insecure.¹⁴ Lack of legal protection leaves smallholders without security in their ownership of land, and leads to unpredictable agricultural yield from year to year. In fact a small landowner cannot assuredly be food sovereign one year from the next unless they can hold that land the next year. It would therefore further food sovereignty of a state if its government could work to better secure the property rights of smallholders of agricultural lands.

12. HRA recommends that the Council recognize that:

- Food aid must promote the right to food through the concept of food sovereignty.
- Provision of food aid should be governed by aid effectiveness standards of the Paris Declaration and the Accra Agenda.

13. HRA Calls upon:

- Donor Nations to:
 - Implement food aid obligations according to the FAO Guidelines, the Paris Declaration and the Accra Agenda.
 - Renew commitment to international agreements on aid effectiveness including ownership and empowerment of recipient States and aid harmonization.
- Recipient Nations to:
 - Ensure that the standards set forth above are followed in food aid strategies.
 - Ensure adequate representation of small farm holders in informing the national food security strategies.
 - Strengthen property rights of small hold farmers as a means to the right to food.

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

¹⁴ Report of the Special Rapporteur, at: <http://www.srfood.org/images/stories/pdf/officialreports/de-schutter-china-statement.pdf>