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HUMAN RIGHTS COUNCIL  
Advisory Committee  
Second session  
Agenda item 2 (b)

### REQUESTS ADDRESSED TO THE ADVISORY COMMITTEE STEMMING FROM HUMAN RIGHTS COUNCIL RESOLUTIONS

#### RIGHT TO FOOD

**José Bengoa Cabello, Chinsung Chung, Latif Huseynov, Bernard Andrews  
Nyamwaya Mudho, Jean Ziegler, Mona Zulficar: draft recommendation**

#### **2/... Right to food**

*The Advisory Committee of the Human Rights Council,*

*Recalling* the resolutions of the Human Rights Council on the right to food for all, particularly its resolution 7/14 of 27 March 2008, in which the Council requested the Advisory Committee to consider potential recommendations for approval by the Council on possible further measures to enhance the realization of the right to food, bearing in mind the priority importance of promoting the implementation of existing standards,

*Recalling also* that the right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement, as defined by the Committee on Economic, Social and Cultural Rights in its general comment No. 12 (1999),

*Recalling further* that, inspired by the above definition, the right to food has been defined as the right to have regular, permanent and unrestricted access, either directly or by means of financial purchases, to quantitatively and qualitatively adequate and sufficient food corresponding to the cultural traditions of the people to which the consumer belongs, and which ensures a physical and mental, individual and collective, fulfilling and dignified life free of fear (A/HRC/7/5, para. 17),

*Noting with deep concern* that 923 million people, mainly in developing and least developed countries, continue to suffer from hunger, malnutrition and food insecurity, and that every five seconds a child under the age of 10 dies, directly and indirectly, of hunger somewhere in the world, despite the fact that, according to reports of the Food and Agriculture Organization, world agricultural output should be able to feed 12 billion people, twice the world's present population,

*Convinced* that, in today's world, it is an affront to human dignity that many people starve to death, or live a life not worthy of the name,

*Considering* that the current world food crisis is characterized by extreme volatility in the short term and consistent massive increases in the food prices over the medium and long term, and that, according to the Food and Agriculture Organization, the world food index is 50 per cent higher in December 2008 than it was in December 2003,

*Recognizing* that, according to many expert reports, the underlying causes of the current food crisis are, inter alia:

- (a) The speculation on food and agricultural commodities,
- (b) The conversion of staple foods into biofuels,
- (c) Distortions in agricultural policies by developed countries, which severely affect small farmers and threaten food security, especially in developing countries,
- (d) Inadequate investments in agriculture and financial measures taken by leading international financial agencies, as well as the sharp fall in official development assistance,

*Deeply concerned* at the grave consequences of the current food crisis, which include:

- (a) The worsening of the situation of people living in extreme poverty, particularly women and children, as, according to the World Bank, in 2008, the food crisis pushed 105 million back into poverty, in both urban and rural areas,
- (b) Increasing vulnerability to food insecurity in at least 37 countries in danger which, according to the Food and Agriculture Organization, are most affected by the food crisis, as food accounts for at least 60 to 80 per cent of consumer spending, compared to 10 to 20 per cent in industrialized countries, and a 40 per cent increase in food prices forces families in these countries to spend their entire budget on food,
- (c) The severe and negative impact on the right to food of small farmers, as poor rural families suffer to a great extent from the food crisis while a small number of transnational corporations, controlling the food chain, acquire disproportionately huge benefits,
- (d) An increasing number of hunger refugees fleeing their countries, as a matter of necessity rather than choice, because hunger threatens their lives and those of their families, and who may not qualify as refugees within the traditional definition of “refugee”, under the Convention relating to the Status of Refugees of 1951 and the protocol thereto in 1967, and may not be afforded non-refoulement protection,
- (e) An increasing risk of perpetuating hunger in refugee camps owing to, inter alia, the lack of financial means available to the Office of the United Nations High Commissioner for Refugees and the World Food Programme to ensure adequate food for refugees and internally displaced persons, in addition to the lack of employment opportunities, considering that, in some camps, over 80 per cent of all children under 10 years of age suffer from anaemia and are incapable of following school programmes of the Office of the United Nations High Commissioner for Refugees,

*Reaffirming* that States have a primary obligation to respect, protect and fulfil the right to food of their own population, especially vulnerable groups and households, which also involves the duty to ensure that any activities undertaken within their jurisdiction do not deprive another State of the ability to realize the right to food for its own population,

1. *Recommends* that the Human Rights Council consider the following proposals with a view to further enhancing respect for and protection and fulfilment of the right to food in the light of the ongoing crisis, that States:

(a) Individually and through multilateral institutions and international organizations, take measures to prohibit stock exchange speculation on staple food prices and ensure that prices of staple foods are fixed by international agreements;

(b) Individually and through multilateral institutions and international organizations, take measures to forbid the transformation of staple foods into biofuels, that efforts be made to develop bioenergy technologies that do not compete with staple foods, that climate protection goals be achieved through energy conservation, efficiency improvements and innovative energy generation technologies, and that a five-year moratorium on all initiatives to develop biofuels that aim to convert staple foods into biofuels be considered;

(c) Individually and through international cooperation and assistance, relevant multilateral institutions and international organizations, take measures:

- (i) To support small and traditional farmers by guaranteeing them access to land and fair prices for their products;
- (ii) To give priority to investments in subsistence agriculture and local production; to that end, the Bretton Woods institutions and the World Trade Organization should change the existing paradigm of their agricultural policy accordingly;
- (iii) To address violations of the human rights of poor peasants, particularly the right to food, including by considering the adoption of an international convention on the rights of peasants;

(d) Individually and through multilateral institutions and international organizations, take measures to strengthen national and international protection mechanisms for people forced to leave their land and countries because of hunger or other severe violations of their right to food;

(e) Individually and through multilateral institutions and international organizations, ensure that their international political and economic policies, including international trade agreements, do not have an adverse impact on the right to food in other countries; all international trade agreements should be developed with the participation of all stakeholders, including civil society; the implementation of the concept of food sovereignty should be considered;

(f) Individually and through multilateral institutions and international organizations, take measures to ensure that food deprivation is not used, directly or indirectly, as a means of political or economic pressure;

2. *Also recommends* that the Council consider adopting the following decisions:

*“The Human Rights Council,*

1. *Entrusts* the Advisory Committee with the task of preparing a study on the current food crisis, the right to food and the rights of peasants;

2. *Also entrusts* the Advisory Committee with the task of preparing a study on the current food crisis, the right to food and hunger refugees: definition and situation;

3. *Urgently appeals* to Member States to increase their contributions substantially and as soon as possible to enable the United Nations High Commissioner for Refugees and the World Food Programme to effectively discharge their mandates during the current crisis; such contributions are based on the obligation of the States to respect, protect and fulfil the right to food without discrimination and without any territorial or jurisdictional limitations.”

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