

G8 NEW ALLIANCE FOR FOOD SECURITY AND NUTRITION IN AFRICA: A CRITICAL ANALYSIS FROM A HUMAN RIGHTS PERSPECTIVE

Introduction

Launched at the G8¹ Summit at Camp David in May 2012, the G8 New Alliance for Food Security and Nutrition in Africa (hereafter New Alliance) brings together the G8, the African Union, several African governments and the private sector, representing more than 150 companies, among which many of them TNCs or linked to them. This Public-Private Partnership intends to raise 50 million people out of poverty by 2022 through “sustained and inclusive growth for Africa’s agricultural sector”, “accelerated flow of private capital”, “major policy changes that open doors to more private sector trade and investment” and the revision of “policies in order to improve investment opportunities”.² The concrete commitments are outlined in the so-called Cooperation Frameworks³ which consist of a brief introduction referring to several initiatives and processes⁴, a section on policy commitments by African governments, the funding intentions by the G8 members, and the investment intentions by the private sector mainly in the form of summaries of letters of intent.

Since its inception, the New Alliance has met with criticism from several African as well as international NGOs⁵ on both the process and the skewed policy commitments which serves to enable private corporations to dictate agricultural policy to advance their own interests. This fact sheet strives to serve as a tool for civil society organizations to critically challenge the New Alliance and to recall governments to meet their obligations under the right to adequate food and nutrition (RtAFN), a human right that is enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR). The fact sheet is divided into three parts. Part I scrutinizes the overall design and approach of the New Alliance as well as the provisions contained in the Cooperation Frameworks from a human rights perspective, specifically with a focus on the RtAFN. Part II gives brief summaries on five relevant areas for the enjoyment of the RtAFN – seeds, land, social protection and income, and nutrition. An Annex provides a two-column chart on the basis of the five identified areas, one referring to strategies and policies promoted by the New Alliance, and another on human rights declarations and conventions as well as on reference documents for the RtAFN.

- 1 The G8 consists of the USA, Canada, Japan, Russia, UK, France, Germany, Italy and the EU (the latter is not a formal member but has voting rights).
- 2 Feed the Future (2012): Five Questions about the New Alliance for Food Security and Nutrition, , May 23, 2012, available at <http://feedthefuture.gov/article/five-questions-about-new-alliance-food-security-and-nutrition> (accessed on 25 February 2014), and The White House (2012): Fact Sheet: G-8 Action on Food Security and Nutrition, May 18, 2012, available at <http://www.whitehouse.gov/the-press-office/2012/05/18/fact-sheet-g-8-action-food-security-and-nutrition> (accessed on 25 February 2014).
- 3 Six country frameworks were presented in 2012 (Ethiopia, Burkina Faso, Côte d’Ivoire, Ghana, Mozambique and Tanzania) and four additional countries joined the New Alliance at the G8 Summit in June 2013 (Benin, Nigeria, Malawi and Senegal). One or more G8 members have the lead for the implementation of the frameworks in each African country. The leading countries are as follows: France for Burkina Faso, EU for Côte d’Ivoire and Malawi, USA for Ghana and Tanzania, Japan and the USA for Mozambique, Germany for Benin, UK for Nigeria and Canada for Senegal. The lead is shared for Ethiopia. All Cooperation Frameworks can be accessed at <https://www.gov.uk/government/collections/the-new-alliance-for-food-security-and-nutrition-corporate-frameworks> (accessed on 8 January 2014).
- 4 For example, the Comprehensive African Agriculture Development Program (CAADP), The World Economic Forum’s “Grow Africa”, The Guidelines on the Responsible Governance of Tenure of Land Fisheries and Forests adopted by the Committee on World Food Security (CFS) or the World Bank sponsored Principles of Responsible Agricultural Investment (PRAI).
- 5 See, inter alia, “Letter from African Civil Society Critical of Foreign Investment in African Agriculture at G8 Summit”, available at <http://www.foodfirst.org/en/Challenge+to+Green+Revolution+for+Africa>, Civil Society Mechanism of the Committee on World Food Security, African Civil Society Declaration at the Africa Regional Consultation on Responsible Agricultural Investments, Monrovia September 15th-17th 2013, available at http://www.csm4cfs.org/files/Pagine/32/africa_regional_consultation_declarati-on_english_version.pdf, “Modernising African Agriculture: Who Benefits? Statement by African civil society”, May 2013, available at <http://www.acbio.org.za/activist/index.php?m=u&f=dsp&petitionID=3>.
See also CIDSE/EAA (2013): Whose Alliance? The G8 and the Emergence of a Global Corporate Regime for Agriculture, available at http://www.cidse.org/content/publications/just-food/food-governance/whose-alliance-the_g8_new_alliance_for_food_security_and_nutrition_in_africa.html and GRAIN (2013): The G8 and Land Grabs in Africa, March 2013, available at <http://www.grain.org/article/entries/4663-the-g8-and-land-grabs-in-africa.pdf> (all accessed on 8 January 2014).

Part I – General Human Rights Analysis of the New Alliance

1. General human rights principles are ignored.

1.1. Non-participation of the stakeholders mostly affected by hunger and nutrition in the strategy elaboration – both at international and local level.

Small-scale farmers, pastoralists, fisher-folk, indigenous people, women, and other marginalised groups who are mostly affected by hunger and malnutrition were excluded from the elaboration of Cooperation Frameworks at international level, nor were the negotiation processes between concerned governments and private corporations open to public scrutiny, while the participation of the above-mentioned affected groups at national level was either insufficient or not provided at all. National level investor forums were held to draft the Cooperation Frameworks⁶ and participation was focussed strongly on the private sector.⁷ Commitment to guarantee effective participation of the marginalised groups is likewise lacking.

Not only does this disregard the human rights principle of participation⁸, it also ignores G8's own development policies⁹ which lay special focus on small-scale food producers and small-holders as well as the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests¹⁰ (hereafter Tenure Guidelines), which are supported by the governments concerned in the New Alliance.

1.2. Marginalised groups are not at the centre of the strategies, but national and, in particular, international corporations.

The Cooperation Frameworks and the measures/policies to be implemented almost exclusively deal with the interests and “needs” of international and large national companies who are the key partners of the New Alliance. This is clearly reflected in the policy indicators (“Doing Business Index” and increase in private investment) of the Cooperation Frameworks.¹¹ Concrete policy commitments also focus on specific areas (corridors) where agroindustrial development is planned.¹² Due to its emphasis on industrial agriculture and building of infrastructure in attracting investment, focusing on the corridors will continue to ignore the marginalised groups who are in fact actively discriminated against, instead of helping them to practice agriculture for local food security.

The human rights-based framework, in contrast, demands positive discrimination (“preferential treatment”) of poor rural population groups in order to counteract existing discrimination faced by such groups.

1.3. Lack of RtAFN accountability

The dominant role of the private actors raises the question of accountability. Private sector actors are primarily – if not exclusively – accountable to their shareholders, whose primary aim is to generate profits. So, who will be accountable for the actions of the private sector within the New Alliance? Reference to “Shared Responsibilities and Mutual Accountability” of all actors is made, but this remains undefined and further obscures a concrete attribution of accountability. In sum there is a total lack of human rights accountability mechanisms in the New Alliance. G8 countries, as well as African countries thus should adopt human rights based accountability mechanisms that are accessible to all.

6 CISDE/EAA, 6.

7 See for example Malawi Cooperation Framework: „The Government commits to consulting with the private sector on key policy decisions that may affect the private sector”.

The private sector role and its supposed legitimacy in key policy processes is also highlighted: “the private sector will assume active role in the Technical Working Groups, Sector Working Groups and Joint Sector Reviews in ASWAp and TIP SWAp.”

8 The human rights principle of participation has been stressed by the UN. See for example, “Participation and inclusion: All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being. Rights-based approaches require a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples and other identified groups.”, UNFPA, the United Nations Population Fund, <http://www.unfpa.org/rights/principles.htm> (accessed on February 1, 2014). Special Rapporteur on the Right to Food likewise emphasises the importance of participation: “Participation of food-insecure groups in the policies that affect them should become a crucial element of all food security policies - from policy design, to the assessment of results, to decisions on research priorities. Improving the situation of millions of food-insecure peasants indeed cannot be done without them.” See De Schutter, Olivier, “Agroecology, A Tool for the Realization of the Right to Food”, *Right to Food Quarterly* 6 (2011), 4.

9 All G8 members include some kind of support to smallholders and small-scale food producers in their development cooperation.

10 See Tenure Guidelines 3B 6. and 4.10.

11 Cooperation Frameworks of Côte d’Ivoire, Ethiopia, Ghana, Malawi, Niger, and Tanzania have doing business index and Benin, Ethiopia, Ghana, Ivory Coast, Malawi, Mozambique (as part of objective), Nigeria, Senegal, and Tanzania for increased private investment.

12 For example, Malawi Cooperation Framework (objective 2, policy 9) “Explicitly set Nacala Corridor as top priority corridor for development and include the connection to Lusaka”.

2. States' obligations are ignored. States as duty bearers are merely perceived as service provider of the private sector.

i. The great majority of the States involved in the New Alliance are state parties to the ICESCR.¹³ As a state party, the state must respect, protect, and fulfil the RtAFN. The obligation to respect requires the State to not take any measures that result in preventing access to adequate food and nutrition. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food and nutrition. The obligation to fulfill (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the RtAFN by the means at their disposal, States have the obligation to fulfill (provide) that right directly.

ii. The New Alliance does not mention state obligations nor responsibilities of any third actors (such as private corporations). Worse still, the states are understood as service providers whose tasks are to reduce "risks and insecurities" of investors.¹⁴

iii. Activities of private business can have a highly negative impact on the enjoyment of human rights¹⁵ and of the RtAFN due to their involvement in food production, processing, distribution and trade. States thus are obliged under international law to ensure that the activities of private corporations do not violate the RtAFN of any individuals.¹⁶ Specific concerns and potential conflicts of interests between profit maximisation and combating hunger, abuse of market power, dominance in price formation, land grabbing, poor working conditions, application of agro-industrial toxins, and influencing of policy processes remain untouched in the Cooperation Frameworks. On the contrary, target countries commit to "build domestic and international private sector confidence to increase agricultural investment significantly."¹⁷ Accordingly, no regulatory approaches for human rights breaches by companies have been considered nor elaborated upon.

iv. The states' obligation to fulfill under the RtAFN requires the creation of favourable framework conditions for groups at risk of, or affected by hunger. Instead of the one-sided facilitation of investments in land and seeds by national and international companies, access to natural resources as well as seed conservation and distribution systems of marginalised groups should be promoted.

v. Extraterritorial State Obligations (ETOs) refer to obligations of the states to ensure that their policies do not contribute to violations of human rights, including the RtAFN, in other countries. The states must furthermore ensure that non-state actors which they are in a position to regulate (for example transnational corporations and businesses enterprises) do not nullify or impair the enjoyment of human rights, including the RtAFN.¹⁸ In the context of the New Alliance, this concerns the majority of the international companies that have signed a "letter of intent" since many have their headquarters in one of the G8 countries and could therefore be directly regulated.¹⁹

3. No human rights risk analysis of the New Alliance strategies

Prior to developing New Alliance strategies, a human rights risk impact analysis should have been carried out to evaluate and counteract potential risks, in particular, for marginalised groups. This is especially relevant as the policy areas targeted by the New Alliance are extremely crucial for the RtAFN, namely, seeds, land, nutrition and governance in agriculture, upon which most hungry and malnourished people in the countries concerned depend. Thus, human rights impact assessments must be conducted prior to

13 Exceptions are Mozambique and the United States of America. While the US has signed the Covenant, Mozambique has neither signed nor ratified the Covenant.

14 See, for example, The Cooperation Framework for Malawi, p. 3.

15 See for example Economic and Social Council, Committee on Economic, Social and Cultural Rights. "Statement on the obligations of States parties regarding the corporate sector and economic, social and cultural rights, 20 May 2011, E/C.12/2011/1, available at: <http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.2011.1-ENG.doc> (accessed on 24 February 2014).

16 Furthermore, according to the Tenure Guidelines (3.2), "Where transnational corporations are involved, their home States have roles to play in assisting both those corporations and host States to ensure that businesses are not involved in abuse of human rights and legitimate tenure rights. States should take additional steps to protect against abuses of human rights and legitimate tenure rights by business enterprises that are owned or controlled by the State, or that receive substantial support and service from State agencies", as well as (paragraph 12. 15) "When States invest or promote investments abroad, they should ensure that their conduct is consistent with the protection of legitimate tenure rights, the promotion of food security and their existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments". Similarly, the Maastricht Principles stresses the fact that (principle 24) Obligation to Regulate. All States must take necessary measures to ensure that non-State actors which they are in a position to regulate, as set out in principle 25, such as private individuals and organisations, and transnational corporations and other business enterprises, do not nullify or impair the enjoyment of economic, social and cultural rights. These include administrative, legislative, investigative, adjudicatory and other measures. All other States have a duty to refrain from nullifying or impairing the discharge of this obligation to protect.

17 This standard sentence appears in all the Cooperation Frameworks except the Senegalese Cooperation Framework, which states "This will build confidence by establishing a secure business environment that will motivate both the national and international private sectors to increase agricultural investment significantly."

18 See Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights (2011); Principle 24.

19 Some of these international companies are, for example, Monsanto (USA), DuPont (USA), Kraft Foods (USA), BASF (Germany), Bayer (Germany), ADM (USA), Cargill (USA) and Bunge (Bermuda/ USA).

inclusion of any strategy into policy commitments and the outcome of risk assessment should be made available to the public.²⁰ In case an assessment indicates that a specific policy may impair the enjoyment of human rights, the policy must be stopped. Such a human rights impact/risk assessment is missing in the New Alliance.

4. Food security and nutrition is dangerously narrowed down to general availability of food through increased productivity.

i. The four basic elements of the RtAFN are adequacy, availability, accessibility, and sustainability. The RtAFN thus goes beyond simple understanding of producing enough food. Availability of food refers to two aspects. First, the direct disposal over productive land or natural resources either by means of cultivation or animal husbandry, or activities such as fishing, hunting or gathering. Second, the availability via “well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand.”²¹

ii. In particular, the direct availability of food via access to productive land and other natural resources is of central importance for marginalised population in the concerned African countries, for the mere fact that far more than half of their populations are engaged in agriculture – in some countries even close to, or beyond 80 percent.²² The New Alliance, not only completely ignores the aspect of direct availability through access to natural resources, but promotes the unilateral control of companies and corporations over these resources. Therefore, there is a real risk that marginalised rural groups will lose control over these vital means of production.

iii. The New Alliance is built on the assumption that more production and growth through corporate investment will solve the problem of hunger and malnutrition in Africa. However, in case of an actual increase of food production, there are no mechanisms to ensure that such increase would benefit the hungry and malnourished. The past has shown that investors predominantly produce for lucrative markets, thus implying that food will likely be exported and that the “additionally produced food” could even have a negative impact on the local food situation, if it results in the displacement of local food cultivation.

iv. Apart from exporting, national or transnational agribusiness investors tend to focus on consumers with big purses, on feeding the growing urban middle class, but not the rural poor. Thus from a human rights perspective, such a strong focus on quantitative rise in food production must be seen with caution. As opposed to the mere quantity of food, the RtAFN emphasises food availability “where it is needed.”²³ These concerns are underpinned by concrete policy recommendations, e.g. “The GBI [Green Belt Initiative] and other donor funded irrigation projects will strongly be linked to the National Export Strategy.”²⁴

v. Furthermore, guaranteeing the protection and promotion of the nutritional dimension of the RtAFN requires measures beyond ensuring access to adequate diversified diet and to basic public services (health, water and sanitation, care, social security, among others) in order to guarantee the effective enjoyment of nutritional well-being. In the Cooperation Frameworks, marginal attention is paid to nutrition and related policies, nor does it deal in the required comprehensive way. Nutrition and food adequacy indicators are absent in the Cooperation Frameworks.

In sum, the analysis above reveals that the New Alliance ignores human rights and contradicts a development strategy and policy which contribute to the realization of the RtAFN.

20 See Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights (2011); Principle 14. Impact assessment and prevention: “States must conduct prior assessment, with public participation, of the risks and potential extraterritorial impacts of their laws, policies and practices on the enjoyment of economic, social and cultural rights. The results of the assessment must be made public. The assessment must also be undertaken to inform the measures that States must adopt to prevent violations or ensure their cessation as well as to ensure effective remedies.”

21 UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 12: The Right to Adequate Food (Art. 11 of the Covenant), 12 May 1999, available at: <http://www.unhcr.ch/tbs/doc.nsf/0/3d02758c707031d58025677f003b73b9> (accessed on 24 February 2014).

22 Cf. FAOStat (2012) Resources/Country Profiles/Population; Benin (56,55 %), Burkina Faso (71,72%), Côte d’Ivoire (47,2%), Ethiopia (82,74), Ghana (46,37%), Malawi (78,63%), Mozambique (59,2%), Nigeria (48,05%), Senegal (56,62%), Tanzania (72,15%), available at: <http://faostat.fao.org/site/291/default.aspx> (accessed on 18 December, 2013)

23 General Comment 12, para 12.

24 See Malawi Cooperation Framework.

Part II – Analysis of the Key Policy Areas of the New Alliance from a Human Rights Perspective

The following brief summaries are based on the Cooperation Frameworks which focus on five thematic areas that are highly sensitive and relevant for the RtAFN. The summaries below are an attempt to outline key problematic policies/strategies and indicators of the New Alliance, clearly highlighting some diametric opposition of the strategies in the Cooperation Frameworks vis-à-vis human rights-based approach to development.²⁵

1. Seeds and agricultural inputs

Overall, the Cooperation Frameworks are heavily biased towards a market-led, if not a market-only, approach to agricultural inputs, especially seeds. Concretely, African governments commit to systematically cease the distribution of free and unimproved seeds, in order to create an environment that would enable the private sector to better commercialize improved inputs, to develop and implement domestic and regional policies on seeds and other inputs that encourage greater private sector participation in production, marketing and trade in seeds and other inputs, and to pass and implement laws that “reflect” the role of the private sector in technology development, seed multiplication and marketing. Accordingly, the success indicators of the Cooperation Frameworks only look at whether private investment in commercial production and sale of seeds and inputs (e.g. fertilizer) has increased.²⁶

The secure and equitable access to natural and other resources that communities and individuals depend on to feed themselves is one of the basic contents of the RtAFN. The human rights obligations of states therefore require that they do not impede access to these resources by small-scale producers (for seeds, this access often happens through informal, non-commercial seed systems), that they protect the access to seeds and inputs from interference by third parties such as enterprises or other institutions, and that they take active measures to improve and facilitate access to natural resources for marginalized groups and those who depend on them for their livelihoods. However, none of the frameworks include provisions to protect peasants’ access and control over seeds and other inputs, nor their traditional knowledge over these. Instead, the provisions clearly aim at consolidating and advance corporate influence and control over agricultural inputs, especially seeds.

The heavy bias towards capital intensive agriculture based on commercial seeds and inputs further discriminates existing local seed systems that are a key source of access to seeds for rural communities, especially for poor peasants. Currently, 80 percent of the breeding or reproduction of seeds is conducted by the producers, and the free exchange of seeds plays an essential role for them.²⁷ There is a real risk that rural poor and marginalized will gradually lose existing access to seeds and become increasingly dependent on expensive inputs. This specifically discriminates women, as today they are the key actors in local seed systems. In addition, history has shown that private sector-led seed markets heavily reduce agrobiodiversity which is a key for a long term resilience of local to global food systems. Reduced agrobiodiversity also reduces nutritional diversity of food. The New Alliance is likely to further acerbate oligopolistic structures of the input providers market, which entails the serious risk of poor farmers being deprived of access to seeds and other productive resources essential for their livelihoods and which could easily lead to increasing the price of food, thus making food less affordable for the poorest.

The approach of the New Alliance thus further discriminates the large majority of small food producers who have a key role for ensuring local and national food security, and thus undermines the realization of the right to adequate food and nutrition. Despite overall intention of the New Alliance to be a sector strategy, there is a total absence of key issues such as local knowledge, participatory research, traditional seed conservation systems, soil fertility enhancing measures or gender sensitivity. All these are highly relevant elements that need to be linked to seed and agricultural input policies with that aim at poverty reduction and resilient food systems.

²⁵ For a more detailed comparison of the G8NA cooperation frameworks with human rights texts and documents, refer to the table in the annex.

²⁶ For example, in the Cooperation Frameworks of Burkina Faso, of Ethiopia, Ghana, Malawi, (Mozambique – does not appear in key policy indicators but in actions), Nigeria, and Tanzania.

²⁷ German NGO Forum on Environment and Development (2013): *The New Alliance for Food Security and Nutrition in Africa: Is the Initiative by the G8 Countries suitable for Combating Poverty?*, 3.

2. Land

Land figures prominently in the Cooperation Frameworks. All the Cooperation Frameworks contain a set of policy measures on land designed to help companies and other private or institutional investors to identify, negotiate for and acquire lands in key agricultural areas of the continent. African governments commit, for instance, to identify land suitable for investors, simplify procedures for investors to acquire lands, formalize land rights or measures to revise land laws, procedures and regulations in order to ensure quicker processing of land acquisitions. The Cooperation Frameworks also contain several measures aimed at increasing the protection of commercial farms and creating an investor-friendly environment, where the investments – and not local communities – are protected and risks for investors are reduced.

The policy measures on land as contained in the Cooperation Frameworks are diametrically opposed to those that arise from states' human rights obligations. States are obliged to not destroy existing access to land, to protect access to land from encroachment or any other kind of violation of this right by third parties such as enterprises or other institutions and individuals, and to take active measures to improve and facilitate access to land and related resources for marginalized groups and those who depend on them for their livelihoods. However, none of the Cooperation Frameworks include commitments or provisions to protect peasant, fishers, forest dweller or pastoralist communities from losing their land to investors. In addition, no human rights impact assessments (ex ante and ex post) are included.

Overall, the objectives and policy commitments are heavily biased towards large scale capital intensive agriculture, in many cases focussing on export production. This is underpinned by success indicators that look only at whether private investment in agricultural production has increased or if the target country's score on the World Bank's Doing Business Index has been improved. The Cooperation Frameworks further remain silent on the centrality of social and cultural aspects of land in Africa as highlighted in the African Union's Framework and Guidelines on Land Policy in Africa. The New Alliance's approach thus bears substantial risks that abuses and violations of the RtAFN of small-scale food producers and other marginalized groups will increase – despite the New Alliance's food security rhetoric.

3. Social protection and income

Social protection is a system which provides benefits either in cash or in kind, in protecting individuals against various risks that are associated with – among others – illness, loss of work/income, accident, and old age. It is also a human right that is enshrined in the Universal Declaration of Human Rights (article 22 and 25), intrinsically linked to the RtAFN. Social protection instruments which have objectives – either implicitly or explicitly – related to the RtAFN and of concern for small-scale producers in Africa are, for example, input subsidy programs, weather and health insurance, public works programmes, grain reserve management, and cash transfers.²⁸

While five²⁹ out of current 10 Cooperation Frameworks refer – albeit not always explicitly – to social protection measures, it is questionable whether the intended measures will indeed reach those who are mostly in need of social protection measures to feed themselves. Some policies pose to jeopardise and threaten the RtAFN of marginalised groups. For example, in addition to termination of free seed distribution as discussed above, the Cooperation Framework of Senegal plans a reduction of input subsidies from 0,5% to 0,3% of its GDP over three years, despite the fact that input subsidy has clearly achieved increase in yield averages for some selected crops when comparing pre-subsidy and subsidy-periods.³⁰ Senegal further foresees to limit universal input subsidy to “target subsidy recipients”. In other countries, private sector involvement in the areas of social protection is promoted and facilitated. For example, in Malawi, the government will ensure private sector participation in the Strategic Grain Reserves, a grain reserves system constructed to protect Malawi from food crisis, and which has been effective in “protect(ing) its public policy space”. In Nigeria, the agriculture insurance market – Nigeria Agricultural Insurance Company (NAIC) – incorporated in 1988 to implement the Nigerian Agricultural Insurance Scheme launched by the Nigerian Federal Government – will face “liberalisation”, linking it with the credit market, and introduce private sector participation. Impact on the RtAFN of these measures is yet to be seen. Notwithstanding, it is evident that the role of the States in the New Alliance is reduced to creating a climate that is beneficial to foreign investment by formulating corporation-friendly policy frameworks and opening up areas to private investors which were traditionally dealt with by the States. This clearly runs counter to human rights principles which give special attention to marginalised groups and their

28 Committee on World Food Security. High Level Panel of Experts on Food Security and Nutrition (2013): Social Protection for Food Security. A Zero Draft Consultation Paper. Submitted by the HLPE to open electronic consultation, 36.

29 This is the case of Benin, Burkina Faso, Ethiopia, Malawi, and Senegal.

30 For crops such as maize (17%), millet (24%), rice/paddy (51%), and sorghum (23%). Percentage in paranthesis refers to the increase. See Druilhe, Z. and Barreiro-Hurlé, J. (2012): Fertilizer subsidies in sub-Saharan Africa. ESA Working paper No. 12-04. Rome, FAO, 58, available at: <https://www.fao.org/docrep/o16/apo77e/apo77e.pdf> (accessed on Jan 15, 2014).

specific needs. Instead of strengthening State's obligations toward the RtAFN, the policy set-up of the New Alliance undermines the States' capacity to comply with their obligations.

The New Alliance attempts to increase the income of small-scale producers in Africa by 1) improved inputs which will result in better productivity and thus income³¹, 2) direct employment generation in public-private partnership projects (in processing factories and farms), and 3) encouraging small-scale food producers to be part of value chains as contract farmers controlled by large companies and intermediaries. Economic accessibility of the RtAFN implies that food must be economically accessible for a person/community as a result of economic activities. Economic activities can be direct food production based on resources such as natural means of production (e.g. land, water, forest) or human resources (skills), and include work either as a self-employed or wage-employed. As already mentioned above, the strategy of the New Alliance is geared toward land acquisition for private corporations focusing on large scale, capital intensive and extensive agriculture, which requires reduced labour input. Apart from directly discriminating small farmers' production, it is highly questionable that the policies will generate benefits for large parts of the rural population, especially the marginalized groups.

Furthermore, the aforementioned approaches to increase income propagated by the New Alliance raise several concerns: For many rural population of the African countries concerned, 80% of seed is traditionally saved from the previous harvest. "Improved" inputs such as GMO or hybrid seeds can be patented, and hybrid seeds do not produce offspring. Thus while improved inputs may for a while lead to increased agricultural productivity, there is a serious threat that many poor farmers will not be able to afford to keep purchasing improved seeds, let alone the impact of environmental degradation and the question of production sustainability. In addition, although waged employment serves as a means to improve the economic access to food, the States must guarantee that waged workers can guarantee their RtAFN through their incomes. Minimum wages of many African countries concerned are set low and even considered to be among the lowest national minimum wages world-wide (e.g. Malawi). Low minimum income does not allow farm workers to buy sufficient and nutritious food to feed themselves adequately. Governments must thus take necessary measures to raise the national minimum wage to a "living wage", and monitor compliance with labour legislation to guarantee that workers (irrespective of types – for example also casual/seasonal workers) receive a living wage.³² Furthermore the transformation intended by the New Alliance implies a strong focus on labour-saving technologies often heavily reducing employment opportunities, especially permanent jobs, instead of the direct employment generation promised by the New Alliance. Thus the UN expert on the RtAFN recently highlighted the need to promote labour-intensive practices instead.³³

Finally, the New Alliance foresees an increase of small food producer's income via integration of small food producers as contract farmers in various value chains. There are several concerns to be raised from the RtAFN perspective. The contract farming schemes often exclude the poorest farmers, who have live on marginal land and have no adequate resources.³⁴ It also often implies a shift from food crops to cash crops, thus threaten small scale farmers' ability to produce food for their families. Furthermore, since corporations usually determine the types of crops and planting methods, small farmers may turn into farm workers on their own land, and gradually lose control over it.

Overall, the policies targeted by the New Alliance to raise the income of the small holders in Africa need to be assessed carefully. Due to the involvement of private sector in all intended measures, the states must ensure that income generating measures promoted by the New Alliance do not violate the RtAFN of the small scale farmers.

4. Nutrition

In the Cooperation Frameworks, food security and nutrition is narrowly understood as the elimination of hunger, while a simplistic and highly questionable economic model is presented on how such is to be achieved. The simplistic understanding of the nutritional dimension of food production neglects the fact that food and nutrition security means consistent access to diverse and nutritious diets, in terms of quantity and quality, and not simply caloric intake. The New Alliance's investments in agricultural food production tend to focus on mainstream crops with relatively low nutritious and high caloric content, such as maize, sugar, and rice, which results in dietary gaps. Calorie production alone does not eliminate food insecurity, undernutrition or overweight.³⁵ Furthermore,

31 For example, Ghana's Cooperation Framework mentions clear objective to increase income for rural communities, although this is to be done though a policy that "enables the private sector to develop, commercialize, and use improved inputs to increase small holder productivity and incomes".

32 End of mission statement by the Special Rapporteur on the right to food, Malawi 12 to 22 July 2013, available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13567&LangID=E> (accessed on January 21, 2014).

33 Ibid. p.8

34 United Nations, General Assembly, The Right to Food, Note by the Secretary General, available at: http://www.ohchr.org/Documents/Issues/Food/A.66.262_en.pdf, 7.

35 See presentation by Anna Henceforth and Jody Harris (2013): From Agriculture to Nutrition: Pathways and Principles, Agriculture-Nutrition Global Learning and Evidence Exchange, Washington, D.C., June 2013.

only few investors have expressed their intention to enhance fruit and vegetable production in the frameworks, and even where this is the case, it is not clear whether the production of fruit and vegetables is for domestic consumption or export. In fact, the bulk of agricultural investment in the context of the New Alliance is in crops destined for export and/or non-food consumption, such as cotton, biofuels, alcoholic beverages, and coffee. Such investments, rather than supporting local food and nutrition security, present a threat to it, as they compete for valuable production inputs, in particular land.

The push for increased production without taking into account the nutritional dimension has resulted in the introduction of “improved” seeds, fertilizers and pesticides, which compromise the safety of locally-marketed and exported food products, and in turn jeopardize nutrition. Similarly, the lack of an adequate nutrition perspective results in the neglect of the importance of ensuring that nutritious food is culturally adequate food. In fact, the only investments with a nutrition perspective are proposed by companies interested in expanding their market share of fortified and therapeutic food products, which could interfere with positive aspects of food culture such as breastfeeding and infant and young child feeding practices, and, at the same time, negatively affect local small-scale farmers’ production.³⁶

Commitments made by African governments to create an “enabling environment” for private sector investment cause distortion of positive nutritional aspects of existing food patterns. For example, the facilitation of land acquisition and leasing by private investors and opening up of the national seed markets jeopardizes access of small-scale farmers to the most essential resources (land and seeds) and consequently their ability to produce food for themselves, their families and the local market, and to obtain the needed income to complement their diets. Considering that small-scale farmers produce the bulk of locally consumed food, this presents an immense threat to food and nutrition security in the participating countries. Furthermore, there are reports that producing one’s own food for consumption results in the consumption of more nutritious food³⁷, which is clearly jeopardized by the push of the New Alliance to create an “enabling environment” for foreign investors. In relation to nutrition, commitments made by G8 member states of the New Alliance are vague and refer primarily to the monetary value of their contributions without any explicit inclusion of nutrition objectives and/or indicators. It is thus impossible to monitor and hold G8 members accountable for delivering results in the field of nutrition.

Throughout all Cooperation Frameworks, there is little, if any, recognition of the importance of the role that women’s empowerment and nutrition plays in nutrition security for all, in particular for children. Women’s empowerment has been linked to over 50% of reduction in all child stunting from 1970-1995³⁸ and according to many studies in many parts of the world, women’s discretionary income has greater impact on child nutrition and food security than men’s.³⁹ Furthermore, there is evidence that women’s active involvement in agriculture projects has consistently improved nutrition for all involved⁴⁰ and that maternal malnutrition has inter-generational impacts.⁴¹ In spite of this evidence and the fact that on average, 43% of agricultural labourers in developing countries are women who are also the majority of food providers⁴², there is little importance given to women’s role in food and nutrition security in the New Alliance frameworks, and to the protection and promotion of women’s rights.

In addition, guaranteeing nutrition for all requires initiatives beyond promoting access to a healthy, diversified adequate diet. It demands access to basic public services (health, water and sanitation, housing, care, social security, among others) that can create the conditions to ensure the adequate biological utilization of the ingested food and the achievement of nutritional wellbeing and human dignity. No mention of such policies and initiatives is made in the Cooperation Frameworks; instead, the New Alliance actively supports the Scaling up Nutrition (SUN) initiative. With a narrow focus on the first 1000 days of life, this initiative not only fails to embrace a comprehensive, human rights-based approach to nutrition but is also excessively biased towards the corporate sector.⁴³

36 See IBFAN Statement (2013): Cochrane Review on Commercial Ready-to-use Therapeutic Foods.

37 Ruel M, Alderman T. (2013) Nutrition-sensitive interventions and programmes: how can they help accelerate progress in improving maternal and child nutrition? *The Lancet* 328:536-551; Masset, E et al. (2012) Effectiveness of agricultural interventions that aim to improve nutritional status of children: systematic review. *British Medical Journal* 344.

38 Smith, L. and Haddad, L. 2000. Overcoming Child Malnutrition in Developing Countries: Past Achievements and Future Choices. Food, Agriculture and the Environment discussion paper 30, IFPRI, Washington D.C.

39 Smith, L. et al. 2002. The Importance of Women’s Status for Child Nutrition in Developing Countries. Research Report 131. IFPRI, Washington D.C.

40 Leroy J, Frongillo E. Can interventions to promote animal production ameliorate undernutrition? *J Nutr.* 2007; 137(1):2311-16.

41 UN Standing Committee on Nutrition (2009): 6th Report on the World Nutrition Situation: Progress in Nutrition, Chapter 3, available at <http://www.unscn.org/files/Publications/RWNS6/html/index.html> (accessed on 25 February 2014).

42 FAO (2011): The State of Food and Agriculture 2010-2011: Women in agriculture: Closing the gender gap for development, available at, <http://www.fao.org/docrep/013/i2050e/i2050e.pdf> (accessed on 25 February 2014).

43 See IBFAN (2012): The Scaling up Nutrition (SUN) Initiative: IBFAN’s concern about the role of business, available at <http://info.babymilkaction.org/sites/info.babymilkaction.org/files/SUN%20IBFAN%2028.11.122.pdf> (accessed on 19 December 2013). See also Special Rapporteur on the right to food, Olivier de Schutter, 26 December 2011 (A/HRC/19/59), at http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-59_en.pdf (accessed on 8 January 2014).

Annex: Comparison of New Alliance frameworks with Human Rights texts

The chart below compares the provisions of the G8 New Alliance for Food Security and Nutrition Cooperative Frameworks to comments, recommendations, observations and other documents from human rights and UN institutions, which give guidance on measures to be taken by states in order to respect, protect and fulfill human rights. The chart shows the contradictions in all key policy areas between the Cooperative Frameworks and a human rights framework. By moving in the opposite direction of the recommendations of the human rights monitoring bodies, the G8 and its members are in breach of their obligations under international human rights law and undermine the promotion of human rights.

1. Seeds (and agricultural inputs)

G8 Goals and decisions

Ghana Cooperation Framework

Establish policy that enables the private sector to develop, commercialize, and use improved inputs to increase smallholder productivity and incomes”

Policy Indicator:

- increase in private investment in commercial production and sale of seeds

Tanzania Cooperation Framework

Develop and implement domestic and regional seed and other inputs policies that **encourage greater private sector participation in the production, marketing and trade in seeds and other inputs.**

Mozambique Cooperation Framework

Systematically cease distribution of free and unimproved seeds except for pre-identified staple crops in emergency situations.

Cote D'Ivoire Cooperation Framework

Policy Indicator:

- The rate of growth in private investment in commercial **production and sale of high-performance seeds.**

Burkina Faso Cooperation Framework

Policy Indicators:

- % **increase in improved seed** use;
- **Increase in the gross dose of fertilizer** use in Kg/ha;
- % increase in the share of irrigated productions in total agricultural production;
- Increase in the number of agro-industrial SME/SMIs established;

Right to food/Human rights-based framework

Report of the UN Special Rapporteur on the right to food to the UN General Assembly Seed policies and the right to food: enhancing agrobiodiversity and encouraging innovation (UN Document A/64/170, 23 July 2009)

The professionalization of breeding and its separation from farming leads to the emergence of a commercial seed system, alongside the farmers' seed systems through which farmers traditionally save, exchange and sell seeds, often informally. This shift has led to grant temporary monopoly privileges to plant breeders and patent-holders through the tools of intellectual property, as a means to encourage research and innovation in plant breeding. In this process, however, the poorest farmers may become increasingly dependent on expensive inputs, creating the risk of indebtedness in the face of unstable incomes. Private-led research may seek to satisfy the needs of farmers in industrialized countries, while neglecting those of poor farmers in developing countries. The farmers' seed systems may be put in jeopardy, although most farmers in developing countries still rely on such systems, which, for them, are a source of economic independence and resilience in the face of threats such as pests, diseases or climate change. Finally, agrobiodiversity may be threatened by the uniformization encouraged by the spread of commercial varieties.

In order to ensure that the development of the intellectual property rights regime and the implementation of seed policies at the national level are compatible with and conducive to the realization of the right to adequate food, the Special Rapporteur recommends that:

(a) All States should:

- Make swift progress towards the implementation of farmers' rights, as defined in article 9 of the International Treaty on Plant Genetic Resources for Food and Agriculture and consider expanding the list of crops subject to the Multilateral System of Access and Benefit-Sharing (MLS), contained in annex I to the Treaty, in order to encourage the shift from direct and bilateral benefit-sharing as envisaged in the Convention on Biological Diversity to indirect and multilateral support for agrobiodiversity enhancement. States not yet parties to the International Treaty should consider joining it;
- Consider using antitrust legislation in order to combat excessive concentration in the input providers' market, which entails the risk of abuse of dominant position by the seed companies concerned and

Nigeria Cooperation Framework*Policy Indicator*

- % increase in private investment in **commercial production and sale of seeds**

Policy Actions

Pass and implement seed law that reflects the role of the private sector in technology (certified and foundation seed) development, seed multiplication and marketing

Malawi Cooperation Framework*Policy Indicator*

- Increased private investment in commercial production, **sale of inputs...**

Policy Actions

Implementation of SADC and COMESA Seed Harmonization Programme

Senegal Cooperation Framework*Government's commitment*

The Government of Senegal thus intends to improve and accelerate reforms to encourage the private sector to invest in the agricultural sector, especially by:
ii) **implementing national seed regulations that encourage greater private-sector involvement**

Objective

Create an incentive-based business environment in order to increase private investment in the agricultural sector

the setting of prices at levels which may be unjustifiably high and unaffordable for poor farmers;

CESCR Concluding Observations on Ethiopia

(UN Document E/C.12/ETH/CO/1-3, 31 May 2012)“

The Committee recommends that the State party provide in its next periodic report detailed information on the legislative and other measures it has taken to protect the traditional knowledge of indigenous communities, including the establishment of the appropriate Fund.”

Report of the UN Special Rapporteur on the right to food to the UN Human Rights Council

(UN Document A/HCR/16/49, 20 December 2010)

An improved dissemination of knowledge by horizontal means transforms the nature of knowledge itself, which becomes the product of a network. It should encourage farmers, particularly small-scale farmers, living in the most remote areas to identify innovative solutions, by working with experts towards a co-construction of knowledge to ensure that advances will benefit them as a matter of priority, rather than only benefiting the better-off producers. Co-construction is key for the realization of the right to food.

First, it enables public authorities to benefit from the experience and insights of the farmers. Rather than treating smallholder farmers as beneficiaries of aid, they should be seen as experts with knowledge that is complementary to formalized expertise.

Second, as the Special Rapporteur has previously illustrated in describing participatory plantbreeding, participation can ensure that policies and programmes are truly responsive to the needs of vulnerable groups, who will question projects that fail to improve their situation.

Third, participation empowers the poor – a vital step towards poverty alleviation. Lack of power is a source of poverty, as marginal communities often receive less support than the groups that are better connected to government. Poverty exacerbates this lack of power, creating a vicious circle of further disempowerment.

Fourth, policies that are codesigned with farmers have a high degree of legitimacy and thus favour better planning of investment and production and better up-take by other farmers.

2. Land

G8 Goals and decisions

Ghana Cooperation Framework

Create a secure investment climate for investors by reducing transaction costs and risks.

Database of suitable **land for investors** established

- 1,000 ha registered
- 4,500 ha registered
- 10,000 ha registered

Pilot model lease agreements for 5,000 ha of land in database established

Clear procedures to channel investor interest (including that related to value-added agricultural processing) to appropriate agencies completed.

(To provide a transparent and structured way for investors of all types to avoid extra transaction costs and need to reduce their perceived risk of approaching government to manage access to, and security of land.)

Tanzania Cooperation Framework

Instrument developed that clarifies roles of land implementing agencies (TIC, RUBADA, Ministry of Lands and Local Government) in order to responsibly and transparently **allocate land for investors** in the SAGCOT region.

Mozambique Cooperation Framework

Reform land use rights (DUAT) system and accelerate issuance of DUATs to allow smallholders (women and men) to secure tenure and **to promote agri-business investment:**

- Adopt procedures for obtaining rural land use rights (DUATs) that **decrease processing time and cost.**
- Develop and approve regulations

Right to Food/Human rights-based framework

CESCR (1999) General Comment 12

Availability refers to the possibilities either for **feeding oneself directly from productive land or other natural resources**, or for well functioning distribution, processing and market systems that can move food from the site of production **to where it is needed in accordance with demand.**

CESCR (2009) Madagascar concluding observations

The Committee is concerned that Law No. 2007-036 of 14 January 2008, relating to investment law which allows **land acquisition by foreign investors**, including for agricultural purposes, has an **adverse impact on the access of peasants and people living in rural areas to cultivable lands**, as well as to their natural resources. The Committee is also concerned that **such land acquisition leads to a negative impact on the realization by the Malagasy population of the right to food.** (art. 11)

The Committee recommends that the State party revise Law No. 2007-037 and **facilitate the acquisition of land by peasants and persons living in rural areas**, as well as their access to natural resources. It also recommends that the State party carry out a **national debate on investment in agriculture** and seek, prior to any contracts with foreign companies, the free and informed consent of the persons concerned.⁴⁴

Parallel report Tanzania to the CESCR (2012)⁴⁵

“Indigenous pastoralist and hunter/gatherer communities constitute the most vulnerable segments of the Tanzanian society. Their economies and traditional ways of life rely heavily on cattle herding, as well as hunting and gathering. Climate change and its impacts have increased their vulnerability to an even greater extent. At the same time these communities have been **subjected to forceful evictions from their ancestral lands to give room to other land uses, which are considered by the government to be more economically viable.** These land uses include large scale crop cultivation...”

Concluding Observations of the CESCR on Ethiopia

(31 May 2012; E/C.12/ETH/CO/1-3)

The Committee is concerned about reports that the Voluntary Resettlement Program, as described in the State party report, entails the **forced eviction of thousands of people in various regions** of the State party, who are relocated to villages that lack basic infrastructure, such as health clinics, clean water supplies and schools, as well as agricultural assistance or food assistance (art.11).

The Committee urges the State party to ensure that the relocation of people is done on a voluntary basis, following prior consultation, to provide adequate compensation or alternative accommodation to those people that have been forcibly evicted, and to guarantee that people living in relocation sites are provided with basic services

⁴⁴ E/C.12/MDG/CO/2 - Madagascar is, at this point in time, not a target country of the G8 New Alliance but the situation in terms of the situation with regards to land grabbing, land governance etc. is comparable to other African.

⁴⁵ Shadow report concerning the situation of economic, social and cultural rights of indigenous pastoralists and hunter gatherers of the United Republic of Tanzania. Shadow Report to the CESCR, 49th session, October 2012

and procedures that authorize communities to engage in partnerships through leases or sub-leases (*cessao de exploração*).

Ethiopia Cooperation Framework

Strengthen land use rights to **stimulate investment in agriculture**

Refine land law, if necessary, to **encourage long-term land leasing** and strengthen contract enforcement for commercial farms.

Establish a one-window service that **assists agriculture investors** (domestic and foreign; small, medium and larger enterprises) to: obtain a business license; **secure access to land**; obtain market information on pricing and production availability; identify added-value opportunities (e.g. agro-processing, grading and sorting, warehousing and storage, etc); **identify livestock industry and commercial ranching opportunities** (e.g. abattoirs, feed lots, etc); and access financing.

Burkina Faso Cooperation Framework

Policy Indicators:

- **Number of certificates of land holdings and long-term leases.**

Malawi Cooperation Framework

Objective:

Improve access to land, water, farm inputs and basic infrastructure to support food security and nutrition

Policy Action:

- The Government will take measures to release **200,000 hectares for large scale commercial agriculture** by 2015, this will be done after conducting a survey to identify idle land and crop suitability under both customary and leasehold

(including drinking water, electricity, and washing, sanitation and transportation facilities) and adequate facilities (including schools and health-care centres). The Committee draws the State party's attention to its general comments No. 4 (1991) on the right to adequate housing and No.7 (1997) on forced evictions.

Voluntary Guidelines for the Progressive Realization of the Right to Food

8b Land: States should take measures to **promote and protect the security of land tenure, especially with respect to women, and poor and disadvantaged segments of society**, through legislation that protects the full and equal right to own land and other property, including the right to inherit. As appropriate, States should consider establishing legal and other policy mechanisms, consistent with their international human rights obligations and in accordance with the rule of law, that advance land reform to **enhance access for the poor and women**.

Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, adopted by the Committee on World Food Security (CFS) in May 2012

1. Objectives: 1.1 These Voluntary Guidelines seek to improve governance of tenure of land, fisheries and forests. They seek to do so for the benefit of all, with an **emphasis on vulnerable and marginalized people**, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection and sustainable social and economic development.

5.3 States should ensure that **policy**, legal and organizational **frameworks** for tenure governance recognize and respect, in accordance with national laws, legitimate tenure rights including legitimate customary tenure rights that are not currently protected by law; and facilitate, promote and protect the exercise of tenure rights. **Frameworks should reflect the social, cultural, economic and environmental significance of land, fisheries and forests**. States should provide frameworks that are non-discriminatory and promote social equity and gender equality. Frameworks should reflect the interconnected relationships between land, fisheries and forests and their uses, and establish an integrated approach to their administration.

7.1 When States recognize or allocate tenure rights to land, fisheries and forests, they should establish, in accordance with national laws, **safeguards to avoid infringing on or extinguishing tenure rights of others, including legitimate tenure rights that are not currently protected by law. In particular, safeguards should protect women and the vulnerable** who hold subsidiary tenure rights, such as gathering rights.

8.2 Where States own or control land, fisheries and forests, the legitimate tenure rights of individuals and communities, including where applicable those with customary tenure systems, should be recognized, respected and protected, consistent with existing obligations under national and international law, and with due regard to voluntary commitments under applicable regional and international instruments. To this end, categories of legitimate tenure rights should be clearly defined and publicized, through a transparent process, and in accordance with national law.

8.3 Noting that there are publicly-owned land, fisheries and forests that are collectively used and managed (in some national contexts referred to as commons), States should, where applicable, recognize and protect such publiclyowned land, fisheries and forests and their related systems of collective use and management, including

Benin Cooperation Framework

Policy Action:

- Develop irrigation schemes that are pre-adapted to climate change and to speculation (rice – 5,000 ha; maize – 50,000 ha; pineapples – 500 ha; vegetable crops – 1,500 ha).

(Comment: linked to the overall frame and in the absence of safeguards/ land ceilings / criteria under which smallholders would especially benefit / be protected, there are real risk related to the right to food)

Senegal Cooperation Framework

Government's commitment

The Government of Senegal thus intends to improve and accelerate reforms to encourage the privatesector to invest in the agricultural sector, especially by: i) taking steps to facilitate access to land and its productive use by all [...]

Objective

Create an incentive-based businessenvironment in order to increase privateinvestment in the agricultural sector (agriculture, livestock, fisheries, forestry)

in processes of allocation by the State.

12. Investment:

12.2 Considering that smallholder producers and their organizations in developing countries provide a major share of agricultural investments that contribute significantly to food security, nutrition, poverty eradication and environmental resilience, **States should support investments by smallholders** as well as public and private smallholder-sensitive investments.

12.6 States should consider promoting a range of production and investment models that do **not result in the large-scale transfer** of tenure rights to investors, and should encourage partnerships with local tenure right holders.

Mandate of the Special Rapporteur on the right to food. Mission to Malawi. End-of-Mission Statement (22 July 2013)

The [upcoming] reformed legal framework should provide for adequate protection against illegitimate acquisitions of land in the context of agricultural investments, such as the investments foreseen under the GBI and the G8 New Alliance for Food Security and Nutrition. One of the commitments of the Government under the latter framework is to release 200,000 ha of land to investors, "after conducting a survey to identify idle land and crop suitability under both customary and leasehold."

The Special Rapporteur welcomes in this regard the commitment under G8 New Alliance for Food Security and Nutrition cooperation framework to comply with the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, adopted in May 2012 by the Committee on World Food Security. He notes that the Guidelines refer to **equitable access to land and recommend the adoption of ceiling laws, considering the positive impacts of equitable access to land on food security.**

3. Social Protection and Income

G8 Goals and Decisions

Benin Cooperation Framework

Objective III

Put in place appropriate and accessible funding

- 1) Create and operationalise the National Agricultural Development Fund (FNDA).
- 2) Support the creation of the National Agricultural Development Bank (BNDA)
- 3) Strengthen the Benin Farmers Mutual Insurance (AMAB) company.

Burkina Faso Cooperation Framework

Measure 2. Develop services for resilience to and management of agricultural risks

- Sustain the national food security information system
- Develop primary **storage capacities for food commodities** to contribute to mitigate agricultural price volatility
- Institutionalize a system of **social safety nets** that are adapted to different categories of beneficiaries
- Test **some agricultural insurance schemes** (climate insurance, agricultural insurance, etc.); and
- Disseminate the **CNSS voluntary insurance scheme** and develop social protective schemes that are appropriate for the agricultural sector.

Measure 3. Adopt and implement a national food security policy (PNSA) that is consistent with the PNSR, the national nutrition policy (PNN) and the **social protection policy** (PNPS).

Strategy for Accelerated Growth and Sustainable Development (2011 – 2015)” has the overall aim of achieving strong, sustained and quality economic growth with multiplier effects on **income** and the standard of living...(p.1)

Rural Sector National Program (PNSR)”: One of the five action areas is on increasing **income** for rural communities. (p.1)

Ethiopia Cooperation Framework

United States of America (2012 G8 SUMMIT LEAD) Annual funding tranches in the sector of agriculture:

- 2011: 45 million USD, plus up to 110 million USD in support of the **Productive Safety Net Program** subject to assessment of verifications.

Right to Food/Human Rights Based Approaches

Universal Declaration of Human rights (UDHR)

Article 22

“Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.”

Article 25

1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

International Covenant on Economic, Social, and Cultural Rights (ICESCR)

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Convention on the Rights of the Child

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Convention on the Elimination of All Forms of Discrimination Against Women

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships,

- 2012: 50 million USD, plus up to 110 million USD in support to the **Productive Safety Net Program** subject to assessment of verifications.

Subject to availability of funds:

- 2013: 50 million USD, plus up to 98 million USD in support of the **Productive Safety Net Program** subject to assessment of verifications.

*Productive Safety Net Program = cash and/or food transfer programs to 7-8 million rural Ethiopians for six months every year, either through Public Works (85%) or for free as Direct Support (15%). See: <http://www.ids.ac.uk/project/ethiopia-productive-safety-net-programme>

Ghana Cooperation Framework

Government of Ghana Key Policy Commitment: Objective 1

Establish policy that enables the private sector to develop, commercialize, and use improved inputs to increase smallholder productivity and incomes.

Malawi Cooperation Framework

Government will ensure that the **Strategic Grain Reserves** (SGR) are properly maintained and capacity for the management of the SGR enhanced and will also ensure private sector participation of the SGR.

The Government of Malawi and the private sector intend to scale up nutrition efforts in three ways... (3) through commitments to the implementation of the National Export Strategy⁵, through the TIP SWAp. The objective of this strategy is to build Malawi's productive economy in a sustainable, market-led way such that **farmer incomes** may increase to allow them to afford more nutritious foods, while at the same time widening the tax base to better enable the Government to afford welfare programmes targeting nutrition.

Nigeria Cooperation Framework

Increase farmers', agro-dealers and agro-businesses' access to provide financial services.

5. Liberalise **agricultural insurance market** and link it with the credit market

- a. Legislation drafted to allow private sector participation in this market
- b. Insurance Commission develops guidelines for the agricultural insurance market.

advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

General Comment 19

Article 2

The right to social security encompasses the right to access and maintain benefits, whether in case or in kind, without discrimination in order to secure protection, inter alia, from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents.

Article 3

Social security, through its redistributive character, plays an important role in poverty reduction and alleviation, preventing social exclusion and promoting social inclusion.

General Comment 12

Article 6

The right to adequate food is realized when every man, woman and child,

Senegal Cooperation Framework

The Overall objective is to reduce poverty and eradicate hunger for the 46,7% of the population identified as poor.

Particular attention will be paid to investments through contract production involving producers (women and young people in particular) and processors, in addition to the development of community infrastructure to improve market access, storage, as well as crop, livestock and fishery production.

These investments complement current government initiatives on poverty reduction, particularly on the implementation of **social safety nets** such as family grants.

The Government of Senegal is reaffirming its commitment to reduce the budgetary level of input subsidies from 0,5% to 0,3% of the gross domestic product (GDP) over three years, primarily by:

- i) gradually reducing the budget allocations for subsidies,
- ii) implementing a program to target subsidy recipients, iii) promoting the tax incentive for investment and by raising awareness of the measure exempting agricultural equipment and food fortification inputs from value-added tax (VAT).

The Government of Senegal is committed to promoting women's economic empowerment in the agricultural and rural sector, specifically through increased access to and control of production factors (land, seeds, fertilizers, loans/credit, equipment, ...), services, markets, and technical and management training, which would allow women to increase their **income** from agricultural activities.

EUROPEAN UNION

Objective 1: Competitive environment with consistent and coherent policies

The **Farm Income Diversification Programme II** covers conservation agriculture, diversification of agriculture production, improved storage and some agri-business promotion. This programme will receive additional funding to support the diversification of agriculture and intensify agribusiness promotion. It will also provide support to agro-processing and value addition activities. The Standardization, Quality Assurance, Accreditation and Metrology (SQAM) programme supports food safety and testing as well as strengthened inspection capacity (exports and imports). It also includes support to the Malawi Bureau of Standards to attain international certification by 2016.

alone or in community with others, has physical and **economic access** at all times to adequate food or means for its procurement.

Article 13

Accessibility encompasses both **economic** and physical **accessibility**: **Economic accessibility** implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised. Economic accessibility applies to any acquisition pattern or entitlement through which people procure their food and is a measure of the extent to which it is satisfactory for the enjoyment of the right to adequate food. Socially vulnerable groups such as landless persons and other particularly impoverished segments of the population may need attention through special programmes.

Voluntary Guidelines

8.4. States should promote agricultural research and development, in particular promote basic food production with its positive effects on basic incomes and its benefits to small and women farmers, as well as poor consumers.

8.8. States should take measures to encourage sustainable development in order to provide opportunities for work that provide remuneration allowing for an adequate standard of living for rural and urban wage earners and their families, and to promote and protect self-employment. For States that have ratified the relevant instruments, working conditions should be consistent with the obligations they have assumed under the International Covenant on Economic, Social and Cultural Rights, relevant ILO Conventions and other treaties including human rights conventions.

CEDAW

Article 11

1.(d)

The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.

Concluding Observations of CESCR on Ethiopia

(31. Mai 2012; E/C.12/ETH/CO/1-3)

The Committee is concerned that unemployment is high in the State party, in spite of the high rate of economic growth. The Committee is also concerned that unemployment among women is higher than that among men, unemployment of young people remains high and that access to employment for the most disadvantaged and marginalized individuals and groups such as youth, persons with disabilities and women is limited (art. 6) The Committee recommends that the State party takes steps to significantly reduce unemployment and enhance the access to employment for the most disadvantaged and marginalized individuals and groups, including youth, persons with disabilities and women.

4. Nutrition

G8 Goals and decisions

Cote D'Ivoire Cooperation Framework

Policy Actions

- Strengthened regulatory and legislative framework for nutrition (fortification, biofortification and food hygiene)
- A **strategy on food fortification** in the home and at school validated and adopted.

Malawi Cooperation Framework

To address the underlying causes of food insecurity, the G8 members intend to focus key resources [...] in priority areas of the **Scaling Up Nutrition Strategy**.

Policy Actions

- Government will develop a nutrition sensitive agriculture strategy, which takes into account of Scaling Up Nutrition and the National Nutrition Policy
- Government will continue the decentralised multi-sectoral approach to implementing the **1,000 special days** of the Scaling Up Nutrition Strategy

G8 commitments

- Canada will provide financial assistance [...] to provide SUN roll-out in 15 districts
- Ireland (as EU member) supports the rolling out of SUN's National Nutrition Education and Communication Strategy (NECS) in 2 Districts....
- USA Though its support of community nutrition care groups, USAID will directly support SUN....

Benin Cooperation Framework

Strengthen Benin's participation in the SUN movement.

Nigeria Cooperation Framework

Policy Actions

- Extend existing legislation on **fortification and bio-fortification** to other important food staples not covered by existing policies and regulations.
- Economic Management Team and National Council of States provide funding to expand school feeding program with **25% of food purchased from local farmers**

Ethiopia Cooperation Framework

Private Sector Investment Intentions (fortified foods)

- Guts Agro Industries is looking to **expand its fortified**

Right to food/ Human rights-based framework

CESCR (1999) General Comment 12

Dietary needs implies that the diet as a whole contains a mix of nutrients for physical and mental growth, development and maintenance, and physical activity that are in compliance with human physiological needs at all stages throughout the life cycle and according to gender and occupation. Measures may therefore need to be taken to maintain, adapt or strengthen dietary diversity and appropriate consumption and feeding patterns, including **breast-feeding**.

Report of the Special Rapporteur on the right to food to the UN Human Rights Council (10 December 2010; A/HCR/16/49)

Adequacy: agroecology contributes to improving nutrition

In the past, Green Revolution approaches have focused primarily on boosting cereal crops. However, rice, wheat and maize are mainly sources of carbohydrates: they contain relatively little protein, and few of the other nutrients essential for adequate diets. **The shift from diversified cropping systems to simplified cereal-based systems thus contributed to micronutrient malnutrition in many developing countries.** Indeed, of the over 80,000 plant species available to humans, rice, wheat and maize supply the bulk of our protein and energy needs. Nutritionists now increasingly insist on the **need for more diverse agroecosystems, in order to ensure a more diversified nutrient output of the farming systems.**

The diversity of species on farms managed following agroecological principles, as well as in urban or peri-urban agriculture, is an important asset in this regard. For example, it has been estimated that indigenous fruits contribute on average about 42 per cent of the natural food-basket that rural households rely on in southern Africa. This is not only an important source of vitamins and other micronutrients, but it also may be critical for sustenance during lean seasons. **Nutritional diversity, enabled by increased diversity in the field,** is of particular importance to children and women.

Report of the Special Rapporteur on the right to food to the UN Human Rights Council (26 December 2011; A/HCR/19/59)

Malnutrition in all its forms cannot be addressed only by a food sciences approach, such as through the provision of ready-to-use therapeutic foods or micronutrient-enriched "health foods" to combat micronutrient deficiency or the negative health impacts of foods high in saturated fats, trans-fatty acids, sodium and sugar ("HFSS" foods). Ensuring adequate availability of and accessibility to fruits and vegetables and diets that are sufficiently diverse and balanced across food groups requires the **rebuilding of agrifood systems.** This means **prioritizing access to adequate diets that are**

blended food processing activities by diversifying its product line into such products as **baby foods**, iodized salt and corn-soy blends. (...) looking to invest with particular focus on chickpea flour processing, chickpea-based ready-to-use supplemental foods (RUSF) and crackers.

- Hilina Enriched Foods produces foods specifically designed to combat various forms of malnutrition and micronutrient deficiencies

Mozambique Cooperation Framework

Policy Actions

- Support the implementation of the Multi-Sectoral Nutrition Action Plan (...) aligned with the Scaling Up Nutrition (SUN) Movement, e.g., by **Enact[ing] approved Food Fortification regulations (including bio-fortification)**.
- systematically **cease distribution of free and unimproved seeds** except for in pre-identified emergency situations;[implement] approved regulations governing **seed proprietary laws which promote private sector investment in seed production**.

Tanzania Cooperation Framework

Private Sector Investment Intentions (commercial seeds)

- Monsanto plans “introduction of 3-5 new maize hybrids suitable for Tanzania and available royalty-free to seed companies; strengthening of agrodealer networks to provide more choices to farmers”
- Syngenta wants to “set up local production facilities (...) to manufacture affordable-size product packs tailored to the needs of African farmers.”
- Tansed International Ltd. expects: “US\$700,000 increase in sales of rice and maize foundation seed by breeders and researchers; Purchase of nearly US\$12 million of certified seed from contract growers”

Senegal Cooperation Framework

Government Commitments

- Senegal is implementing its Nutrition Policy to reduce malnutrition. (...) in line with Senegal’s international commitments, such as the Scaling Up Nutrition (SUN) initiative.
- The Government of Senegal is reaffirming its commitment to reduce the budgetary level of input subsidies (...) raising awareness of the measure **exempting** agricultural equipment and **food fortification inputs from value-added tax (VAT)**.

socially and environmentally sustainable over the mere provision of cheap calories. Any intervention seeking to address the diverse forms of malnutrition described above **should be assessed against the requirement that it favour, and does not create obstacles to, such a reprioritization**.

The Special Rapporteur, while welcoming the progress made through SUN, **calls for an explicit alignment of its initiatives with human rights**, including the right to food. Countries committed to scaling up nutrition **should begin by regulating the marketing of commercial infant formula and other breast-milk substitutes**, in accordance with WHA resolution 63.23, and by implementing the full set of WHO recommendations on the marketing of breast-milk substitutes and of foods and non-alcoholic beverages to children, in accordance with WHA resolution 63.14.

The right to adequate food, which includes adequate nutrition, is a universal right guaranteed to all. This pleads in favour of **broad-based national strategies** for the realization of the right to food that address the **full range of factors causing malnutrition, rather than narrowly focused initiatives** that address the specific needs of a child’s development between conception and the second birthday.

Interventions aimed at improving nutrition and targeting pregnant or lactating women and children under 2 years old, while vital, do not substitute for addressing the **structural causes of undernutrition or inadequate diets**. (...) chief among these structural causes are **inequitable food systems that are not sufficiently inclusive of the poorest, small-scale farmers** and that do not reduce rural poverty and the **priority given to monocropping of certain staples over more diverse farming systems** that would help to ensure more adequate diets. The **violations of women’s rights**, gender inequality and the lack of women’s empowerment are another major factor explaining poor nutritional outcomes.

Potential concerns exist regarding the relationship between solutions that rely on imported technologies and products and the local contexts in which these solutions are applied. Technology has a key role to play in improved nutrition. (...) But such technologies could result in **long-term dependency for the communities concerned** if protected by intellectual property rights.

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