

Joint submission – One language (English)

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Language(s): **ENGLISH ONLY**

HUMAN RIGHTS COUNCIL

Seventh special session

Joint written statement submitted by Foodfirst Information and Action Network (FIAN International), a non-governmental organization on the Roster; Centre Europe - Tiers Monde (CETIM), a non-governmental organization in general consultative status; and ActionAid, Habitat International Coalition (HIC), International Federation of Human Rights Leagues (FIDH), non-governmental organizations in special consultative status,

Title:

“The world does not need more of the same medicine”¹

Text:

The organisations submitting the present statement welcome the decision of the UN Human Rights Council, upon request of the new UN Special Rapporteur on the Right to Food, to hold a 7th special session on the negative impact of the world food crisis on the realization of the right to food.

We hope that this event will increase the recognition of, and accountability for massive violations of the right to adequate food worldwide, which are among the main factors leading to the present crisis. The special session also will emphasize the relevance of international and national policy coherence, and full observation of international human rights law and principles in the ongoing international debate, in particular, the High Level Conference on Food Security, Bioenergy and Climate Change to be held in June in Rome.

Social movements and civil society organizations repeatedly have alerted states and intergovernmental organizations to the consequences of international policies leading to the reduction of governmental capacity to regulate their domestic food security policies. The trend has negatively affected the realization of the right to adequate food and other human rights, as well as national food and nutritional security.

¹ La Via Campesina, the International Peasant Movement, also shares the views expressed in this statement.

Differently from the diagnosis that the UN presented at the creation of its Task Force on the Global Food Crisis, we recognize the present crisis as deeply rooted in decades of misguided international policies - decided and implemented under the auspices of the Bretton Woods Institutions and, more recently, the WTO - that have failed to create and maintain an enabling environment for states to respect, protect and fulfil the human right to adequate food. On the contrary, the practice has effectively ignored the need to facilitate the rural poor's access to productive resources. Instead, the policies, as developed, have led to reduced investments in key sectors such as basic services and diversified traditional and peasant agriculture, and have deregulated international agricultural trade.

The need for international action is urgent to fulfil the right to adequate food of the most-vulnerable populations directly affected by the crisis. However, this should not be limited to food assistance and establishment of safety nets and rights-based minimum-income programmes. This urgent action should include policy measures that guarantee immediate protection against factors that clearly are aggravating the crisis, such as (1) speculation on the commodities "futures" market, (2) increased demand for the production of agrofuels, especially based on the proposed quotas established by the EU and the US, and (3) mega development projects that lead to massive eviction of traditional populations and peasants without adequate reparation measures.

The world does not need more of the same medicine. We alert international public opinion to the further negative impact of some of the medium- and long-term proposals that the UN has advanced, such as the promotion of capital-intensive agriculture in Africa, the so called "new green revolution" and the acceleration of the trade deregulation process, with the conclusion of the Doha Round. Implementing these recommendations would mean implementing more of the same destructive policies, which are a significant part of the structural causes of the present food crisis, and of the accelerated climate change. The International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD), carried out by 400 scientists, and adopted by 60 countries in April 2008, has confirmed our worries and called for an end to the promotion and expansion of the agroindustrial agricultural model.

This crisis demonstrates that the all-pervasive global market will not guarantee food security or the right to food. Social movements and civil society organizations have been calling for a food production system based on the principles of food sovereignty and human rights, with special attention to the rights to adequate food and effective participation, as well as access to productive resources, such as land, water and seeds, among others. Several governments from Latin America and the Caribbean have associated themselves with this call in the Managua Declaration of the Presidential Summit on Food Sovereignty, held in Managua, on 7 May 2008.

As an immediate answer to the emergency situation, we urge governments and intergovernmental organizations to:

1. Take immediate measures to support national governments in guaranteeing that the victims of acute hunger are assisted and supported in their quest to survive, and to recover the capacity to produce or acquire the food or means necessary to feed themselves in dignity. This must be made the first priority at all levels, with the allocation of adequate funds;
2. Ensure that any coordinating mechanisms created to deal with the present food emergency have the participation of representatives of the Office of the High Commissioner for

Human Rights, of the UN Special Rapporteur on the Right to Food, as well as a strong representation of social movements and civil society organizations;

3. Ensure that international food intervention reserves should be guaranteed on the basis of expected needs, independent of price;
4. Agree on the principle “do no harm” for any international policy that affects the food security situation of communities or countries: all hunger-generating policies must be stopped;
5. Urge the Human Rights Council to take all necessary measures to investigate the responsibility of state and non-state actors in specific situations that have aggravated the food crisis, such as speculation and food hoarding, adopting the necessary measures required to reverse any irregularity;
6. Recognize the extraterritorial obligations of states to respect, protect and fulfil human rights, in accordance with the over-riding principle of international cooperation enshrined in the human rights Covenants and other international legal instruments;
7. Apply the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (A/RES/60/14) to dispossessed traditional, peasant, indigenous and land-based people.

In the longer term and in preparation for the upcoming international events, we urge governments and intergovernmental organizations to:

8. Ensure that the promotion and protection of the human right to adequate food be at the centre of all international efforts to overcome the world food crisis, recognising that violations of human rights at the root of it have to be addressed and redressed;
9. Agree at the Human Rights Council as well at the FAO High Level Conference on national and international strategies which explicitly recognize and implement the right to food as a binding obligation of most UN member states;
10. Fully implement the Guidelines on the Right to Adequate Food, approved by the FAO Council, in 2004, and the "Basic principles and guidelines on development-based evictions and displacement" (A/HRC/4/18), issued by the UN Special Rapporteur on Adequate Housing;
11. Request the Human Rights Council to mandate the Special Rapporteur on the Right to Food to clarify the definition of obligations in relation to the right to be free from hunger, on the basis of the General Comment No. 12, which the UN Committee on Economic, Social and Cultural Rights adopted in 1999;
12. Request the Special Rapporteur on Adequate Housing to investigate how massive forcible evictions in rural areas have contributed to the crisis and how agrofuels and other similar trends in agricultural policies impact on the current situation;
13. Request the Special Representative on Human Rights Defenders to investigate the impact on and the role played in the current emergency situation by the criminalization of defenders of economic, social and cultural rights, and in particular the right to food;
14. Request the Special Representative on Business and Human Rights to examine how business enterprises and in particular agro-industries affect the right to adequate food;
15. Take the necessary steps to adopt the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which will enable victims of violations of the rights enshrined in the Covenant to seek for international scrutiny on their case;

16. Urge the Human Rights Council to investigate the issue of peasant rights, as already mentioned by the former Special Rapporteur on the Right to Food, by mandating its Advisory Committee: (1) to conduct a study to better define the needs for specific entitlements of peasants as one of the most vulnerable group to violations of human rights and to the right to adequate food; (2) to identify potential gaps in the protection of these rights and entitlements; and to present proposals to address these gaps;
17. Define the promotion and protection of the human right to adequate food as one of the Strategic Objectives of the FAO, in the context of the ongoing reform process;
18. Ensure coherence of all food-related national and international policies with the obligations under international human rights law, urgently imposing regulations on the present expansion of the market-led agricultural liberalization process, with special attention to the promotion of the human right to feed oneself, including the access to productive resources, within the framework of Food Sovereignty;
19. Guarantee full participation of social movements and civil society representatives in the June 2008 Rome Conference, allowing for oral interventions throughout the event as has been the practice in FAO in recent years;
20. Guarantee that the discussion of alternatives for climate change are carried out in a fully participatory process at all levels, and that the chosen alternatives take into account the precautionary principle and the needs of the poorest and most marginalised.