

Experts' opinions differ whether to call the current surge in food prices yet another crisis. This does not alter the fact that the right to adequate food is one of the mostly violated human rights worldwide, with high food prices exacerbating the living situation of the world's more than 900 million people going hungry every day. To guarantee the full realization of the right to adequate food for everyone is one of the biggest challenges ahead for the international community.

Important new instruments to tackle the underlying violations of the right to adequate food and related rights have been developed recently. The FAO Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests point to the crucial role of natural resources as

means to produce food. The Maastricht Principles on Extraterritorial Obligations respond to the fact that States have obligations to respect, protect and fulfil the human rights of persons outside of their territorial scope. The Committee on World Food Security is set to approve the first version of the living Global Strategic Framework on Food Security and Nutrition in October.

In all this, it should be an inherent aim to overcome the disconnect between women's rights and the right to adequate food, as explored by a team of researchers from the University of Hohenheim. Institutionalized gender discrimination and structural violence impose barriers to women's enjoyment of the right to adequate food and nutrition.

Two national reports show concrete examples of human rights violations at the country level. Danny Carranza explains the difficulties of implementation of land redistribution in the context of the Philippines agrarian reform program. Marc Edelman reports on a Public Hearing in Bajo Aguán, Honduras, an area witnessing the most severe human rights situations within a land conflict in Central America in the last 15 years.

Wilma Strothenke
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PS: The Right to Food Quarterly has been renamed as the Right to Food Journal.

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RIGHT TO FOOD JOURNAL



2 A new Tool for the Fight against Resource Grabbing?

New Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests

By Sofia Monsalve and Philip Seufert

On May 11, 2012, the UN Committee on World Food Security (CFS) endorsed the FAO Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security.¹ Developed in an inclusive and participatory process, these Guidelines are the first international instrument on the governance of land, fisheries and forests, that applies an approach based on economic, social and cultural rights.

WHAT ARE THE GUIDELINES ABOUT?

According to their preface, the Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests are intended to “contribute to the global and national efforts towards the eradication of hunger and poverty” and pursue “the overarching goal of achieving food security and the progressive realization of the right to adequate food in the context of national food security.” Recognizing that in order to achieve this, secure tenure rights and equitable access to land, fisheries and forests is crucial, they are intended to serve as a reference and to provide guidance to governments to improve governance of these resources.

The Guidelines have been developed in a process that lasted more than three years, which included regional consultations on all continents and several rounds of negotiations. Civil society organizations (CSOs), especially food producers’ organizations and social movements, actively participated throughout the entire process. The International Facilitation Group was established by the International Planning Committee for Food Sovereignty (IPC)² in 2009 to facilitate the autonomous organization of civil society around the process of the Guidelines’ negotiations. Civil society organized consultations and produced proposals for the Guidelines, which were presented as input to the official process. This document, “the CSO Guidelines,”³ condenses CSOs’ visions and aspirations on how land and natural resources should be governed to achieve food sovereignty. It will also provide valuable guidance on how CSOs can interpret the officially agreed Guidelines. Furthermore, the regular exchanges among many organizations set off by this process paved the way to discussions on how to react to the new wave of land grabbing.

The Dakar Appeal against Land Grabbing, launched at the World Social Forum in 2011, was the result of this dialogue and has served to mobilize resistance against the dispossession and concentration of natural resources. This appeal was officially submitted to the governments during the Guidelines’ negotiations.

FORERUNNERS

For civil society, the process of elaborating the Guidelines was also the continuation of nearly two decades of struggling for equitable and sustainable access to and control over natural

resources for food production. At the World Food Summit in 1996, social movements representing rural women, peasants and family farmers, fishing communities, indigenous peoples, landless people, rural and urban workers, migrants, pastoralists, forest communities and youth, together with CSOs, presented the vision of food sovereignty and recalled the essential role of agrarian reform and comprehensive rural development policies in combating hunger. In December 2004, they gathered at the World Forum on Agrarian Reform in Valencia, Spain, to call for the recognition of land as commons. This forum paved the way for the International Conference for Agrarian Reform and Rural Development (ICARRD), organized by the FAO in March 2006, where governments committed to apply a participatory approach based on economic, social and cultural rights to the equitable management of land, water and forests in order to eradicate hunger and poverty.⁴ In 2007, at the International Forum on Food Sovereignty (Nyéléni) in Mali, social movements and other CSOs continued to build a common vision about the use and management of natural resources in which the right to territory and self-determination is guaranteed for all peoples.⁵ Finally, during the World People’s Conference on Climate Change and the Rights of Mother Earth in Bolivia in April 2010, foundations of alternative models of interaction between human beings and nature were delineated to forge a new system that reestablishes the harmony between nature and human beings.

STRENGTHS AND WEAKNESSES

In a joint statement released on the occasion of the adoption of the Guidelines in May 2012, CSOs welcomed the Guidelines, but also underlined that they fall short in some areas that are key to the livelihoods of small-scale producers.

The fact that they do not cover water ranks among the major shortcomings of the Guidelines. The preface, however, mentions that States may wish to take them into account in the responsible governance of other natural resources inextricably linked to land, fisheries and forests, such as water and mineral resources.

Regrettably, the dimension of the use and management of natural resources is only obliquely dealt with in a couple of paragraphs. While tenure and use can be analytically treated as two different things, reality shows that these two dimensions are closely linked. Many problems related to the access and control of natural resources by small-scale food producers are linked to the problems of governance of use and management. Nomadic pastoralists are a case in point: if their ways of using pastures and raising cattle are not recognized, protected and promoted as important activities to ensure food security and sustainable management of certain ecosystems, a mere formal recognition of their tenure rights will not be sufficient to ensure that they remain on their territories. Economic policies that claim to “develop empty, underutilized lands” or to “modernize forms of livestock keeping” can end up becoming major drivers for dispossessing pastoralists from their lands.

In the face of the current wave of land grabbing, the fact that the Guidelines accept the large-scale transfer of tenure rights

1 Voluntary Guidelines on the Responsible Governance on Tenure of Land, Fisheries and Forests in the Context of National Food Security, FAO, 11 May 2012. http://www.fao.org/fileadmin/user_upload/nr/land_tenure/pdf/VG_Final_May_2012.pdf.

2 The International Facilitation Group was coordinated by FIAN International and consisted of 26 members from all continents. After the creation of the Civil Society Mechanism of the CFS in May 2011, this group became a CSM working group and more organizations joined.

3 Civil Society Organizations’ Proposals for the FAO Guidelines on Responsible Governance of Land and Natural Resources Tenure. Heidelberg: FIAN International, 2011. http://www.fian.org/resources/documents/others/cso-proposals-fao-land-guidelines?set_language=en.

4 Final Declaration of the International Conference for Agrarian Reform and Rural Development (ICARRD), March 2006. http://www.icarrd.org/news_down/C2006_Decl_en.doc.

5 Declaration of Nyéléni, February 2007. <http://www.nyeleni.org/IMG/pdf/DeclNyeleni-en.pdf>.

is another major weakness. Unfortunately, the proposal by civil society to ban land grabbing was not accepted due to prevailing belief among states that acquiring tenure rights constitutes investment and is essential for development. However, the text contains several safeguards to control this option and its impacts.

In addition to this, the Guidelines do not further consolidate the rights of indigenous peoples, as enshrined in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other international instruments, in the context of tenure. In fact, some governments tried to weaken the UNDRIP provisions and fiercely opposed the inclusion of provisions related to restitution of lands and territories into the text of the Guidelines. Similarly, the right to return in post-conflict situations was not reaffirmed.

Despite these shortcomings on some points, the Guidelines contain several useful elements for social struggles. First of all, the Guidelines are anchored in the existing obligations under international human rights law, explicitly mentioning the Universal Declaration of Human Rights. They establish principles of implementation, such as human dignity, non-discrimination, equity and justice, gender equality, the holistic and sustainable approach with regards to the management of natural resources, and consultation and participation. All this makes clear that the tenure of land, fisheries and forests is not a business matter but a fundamental right that must be recognised, respected and guaranteed. Moreover, the Guidelines explicitly underline that states should respect and protect the civil and political rights of defenders of human rights, including the human rights of peasants, indigenous peoples, fishers, pastoralists and rural workers acting in defence of land, fisheries and forests; and guarantee the access to justice and the right of appeal, including restitution, indemnity, compensation and reparation. Furthermore, an entire chapter (9) reiterates some of the rights of indigenous peoples enshrined in the UNDRIP, and a series of provisions uphold the equal tenure rights for women.

The Guidelines are furthermore emphatic in calling states to provide legal recognition for legitimate tenure rights, particularly customary and informal tenure rights which are not currently protected by law; and that all forms of tenure should provide all persons with a degree of tenure security which guarantees legal protection against forced evictions. They also call for the recognition and protection of the commons including their related systems of collective use and management.

In addition, the Guidelines contain provisions seeking to protect local communities, indigenous peoples and vulnerable groups from land speculation and land concentration; and to regulate land markets to protect social, cultural and environmental values. Additionally, there is one chapter (14) dedicated to the issue of restitution, and an entire chapter (15) dedicated to the issue of redistributive reforms where a high degree of ownership concentration is combined with a significant level of rural poverty.

It has already been said that the Guidelines do not contain a ban on land grabbing. However, they include a number of safeguards to protect local people from the risks of such transactions. States are, among others, encouraged to promote forms of investment that do not entail large-scale transfer of tenure rights (paragraph 12.6) and the Guidelines underline the need

of conducting prior and independent impact assessments and the states' responsibility for this (paragraph 12.10). These and other provisions can be used to organize resistance against land grabbing. In this context, it is also important to highlight the fact that the document underlines the responsibility of non-state actors, including business enterprises, to respect human and tenure rights and implicitly recognizes states' extraterritorial obligations (paragraphs 3.2 and 12.15).

Finally, and although the principle of "free, prior and informed consent" (FPIC) could not be extended to other non-indigenous social groups whose livelihoods depend on land, fisheries and forests, the document recognizes the key role of vulnerable groups and sets a standard on consultation and participation for them (paragraph 3B6).

A NEW TOOL FOR STRUGGLE

No agreement or treaty is enforced automatically, regardless of how positive and progressive its content may be. Popular pressure, mobilization and organization to demand its enforcement are the elements that give life to these documents and make them work in the search of social change. Considering the growing privatization and commoditization of nature, it is urgent to strengthen and broaden legal frameworks at national and international level that recognise, respect, protect and guarantee individual and collective access to natural resources for marginalised social groups. In this sense, the Guidelines make an important contribution since they are anchored in the UDHR, the UNDRIP, and the principles and interpretations of human rights, making the document legally relevant at national and international level, even though they are "voluntary." The Guidelines also specify and give more visibility to the rights of peasants, pastoralists, and fisherfolk to land, fisheries and forests.

FIAN, together with many other CSOs, will use the Guidelines to support current struggles against land grabbing and to defend the rights to land and natural resources of small-scale food producers. In order to do so, it is of utmost importance that ambiguous sections of the Guidelines are interpreted in full compliance with the highest human rights standards developed so far in relation with land and natural resources. In this way, the Guidelines can become a strong tool to change things on the ground and challenge violations of the right to food and other human rights related to the destruction of existing access to land, fisheries and forests.

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4 The Maastricht Principles on Extraterritorial Obligations – an Introduction

by Rolf Künemann

There are gaps in the protection of the right to food which have become more severe in the context of globalisation during the past 20 years, including the lack of regulation and accountability of transnational agribusiness corporations; the financial speculation with food and land preventing people's access to food; foreign and domestic land grabbing displacing communities; the lack of application of human rights law in the face of investment and trade law that impacts negatively on food and agriculture; the missing implementation of the obligations to respect, protect and fulfil the right to food abroad.

States hold certain obligations to respect, protect and fulfil the human rights of persons outside of their territorial scope. These extraterritorial obligations (ETOs) have often gone unrecognized either in law, or in policy and practice. States have tended to limit obligations to their own territory, which does justice neither to the regulatory needs of the international community, nor to upholding the principle of universality of human rights.

ETOs have not received sufficient attention among States, within civil society or even within the legal sector, even though international legal experts have in fact developed this field of law to a considerable extent over the past 20 years. There are two major reasons for this. Firstly, the standards on ETOs are scattered in different instruments and documents of international law and the structure of ETOs that has already emerged in international human rights law has never been consolidated. Secondly, some human rights treaties limit the obligation to ensure human rights to "persons within the jurisdiction" of the duty-holding States, where "within the jurisdiction" was all too often simply interpreted as "within the territory."

On September 28, 2011, after several years of study, 40 legal experts from around the world, convened by Maastricht University and the International Commission of Jurists, issued a document entitled "Maastricht Principles on Extraterritorial Obligations in the Area of Economic, Social and Cultural Rights."¹ This document identified and consolidated the principles underlying these obligations in international law. It has far-reaching implications and allows human rights to assume their legitimate basic role in international law.

It should be recalled that people "enjoy a human right" (e.g. the right to food or to political participation), if the corresponding quality of life is a reality for them. In this case, they have access to adequate food or participate politically in the way stipulated by the respective right. States' obligations are to respect, protect and fulfill the secure enjoyment of the respective quality of life.² States' acts or omissions that breach these obligations are violations of human rights. The Maastricht Principles are structured according to these three categories of obligations.

Extraterritorial respect-obligations relate to States' activities that directly impair the secure enjoyment of human rights abroad, such as preventing the flow of sufficient water to marginal groups in a neighboring State. ETOs also extend to State measures that impair the secure enjoyment of human rights abroad only indirectly by impairing a foreign State's capacity to meet its human rights obligations. For example, by promoting trade or investment agreements that will tie a foreign state's hands when

it tries to implement social policies.³ Bilateral investment treaties are meant to pave the way for the operation of transnational corporations (TNCs), and many of them unduly restrict the host State's policy space for meeting their obligations under Economic, Social and Cultural Rights (ESCR). An indirect impairment would also be any State measure that "knowingly aids, assists, directs, controls or coerces another State or IGO to breach their ESCR-obligations."⁴

The protect-obligations include an obligation to regulate third parties to ensure that they do not abuse human rights. While regulation of third parties' effect on people's human rights inside the State's own territory is always obligatory, regulation of third parties' abuses abroad is obligatory only under certain circumstances. Firstly, regulation is obligatory whenever a real risk of impairment originates within the duty-holder's territory. An example of this is a firm on the border polluting a river flowing into a neighboring country and destroying drinking or irrigation water sources in the neighboring country. The Maastricht ETO Principles (ETOPs) identify an obligation to regulate business enterprises if the abusing enterprise, or its parent controlling company, "has its centre of activity, is registered or domiciled, or has its main place of business or substantial business activities, in the State concerned" (ETOP 25c). The Principles do not allow for arguments that relieve parent companies from their responsibilities for companies they control. Moreover, it goes beyond the obligations of home States, but includes States where the TNC has substantive business activities. These Principles provide a broad basis for protection against abuses by TNCs. In the past, TNCs have tried to prevent such regulation altogether, or keep it limited to the victims' State, and at the same time benefit from the regulatory powers of victims' States being curtailed through investment treaties. ETOs show that States have to close those loopholes.

Fulfill-obligations are owed to persons or communities that lack secure enjoyment of the human right to food. In general, they consist of obligations to fulfill those persons' access to resources to feed themselves (fulfill-facilitate) and of obligations to provide the enjoyment of the right directly, if persons are not in a position to make use of such resources (fulfill-provide).⁵ Among the extraterritorial fulfill-obligations there is an obligation to create an enabling international environment that facilitates the States to implement their territorial obligations towards the victims of hunger and malnutrition. Principle 29 makes clear that such an environment requires shaping trade and investment, as well as finance, environmental and development regimes accordingly.

Each State carries an ET fulfill-obligation to contribute to the fulfillment of the right to adequate food abroad, commensurate with its economic capacities and with its influence in international political decision-making (ETOP 31). For the extraterritorial obligation to provide international assistance (ETOP 33), Maastricht Principle 32 formulates priorities – for example, on disadvantaged and marginalized groups and on the core content of the right to food. This core content includes the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and accept-

1 <http://www.maastrichtuniversity.nl/web/show/id=596286/langid=42>. Also in other languages at <http://www.fian.org/programs-and-campaigns/projects/the-eto-consortium>

2 This is implied by Maastricht Principle 13 and its concept of real risk. See fn.6.

3 Examples of cases breaching ETOs in the contexts described in this article can be found in F.Coomans, R.Künemann. Cases and Concepts on Extraterritorial Obligations in the Area of Economic, Social and Cultural Rights, Intersentia, 2012, Cambridge-Antwerp-Portland.

4 Maastricht Principle 21.

5 CESCR 1999, General Comment 12.15.

able within a given culture - and the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights.⁶ Implementing these priorities requires a thorough reform of current practices in international cooperation and assistance.

The last part of the Maastricht Principles document deals with the right to an effective remedy: "States must ensure the enjoyment of the right to a prompt, accessible and effective remedy before an independent authority, including, where necessary, recourse to a judicial authority, for violations of economic, social and cultural rights. Where the harm resulting from an alleged violation has occurred on the territory of a State other than a State in which the harmful conduct took place, any State concerned must provide remedies to the victim"(ETOP 37). This implies, for example, that not only the victims' States, but all States in which corporations have conducted activities that impaired the enjoyment of the respective victims' right to food have to open up their courts to the victims. For example, when land grabbing in one country was planned and prepared in the home country of the parent corporation), the home country has to allow for remedies.

CSOs, academia and other experts will find the Maastricht ETO Principles a rich document on the obligations existing in this field.⁷ They can be applied to a wide variety of right to food

related issues, such as the high dependency on food imports in a situation of rising and volatile world food prices, the agrofuel boom, the capture of markets (food, inputs and land) by foreign food and agrobusiness companies, the lack of accountability of IGOs and the refusal by international policy makers to promote a real paradigm shift towards peasants-based and sustainable agriculture along the lines of the IAASTD.⁸

The Maastricht ETO Principles complements two previous ESCR-documents (convened by by Maastricht University the International Commission of Jurists, and others in 1986 and 1997).⁹ Those two Maastricht documents proved seminal to the development of the UN doctrine on ESCR and of human rights as such. This third Maastricht document is likely to have a similar impact.

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6 CESCR 1999, General Comment 12. 8.

7 Further reading: Report of the 5th Conference of the Consortium on Extraterritorial State Obligations (ETOs) in Geneva, Switzerland, 6-7 March 2012, <http://www.fian.org/resources/documents/others/report-of-5th-conference-of-eto-consortium/pdf>

8 IAASTD, the International Assessment of Agricultural Knowledge, Science and Technology for Development (<http://www.agassessment.org>).

9 The 1986 Limburg Principles on the Realisation of Economic, Social and Cultural Rights, The 1997 Maastricht Guidelines on Violations of Economic, Social and Cultural Rights

Cases and Concepts on Extraterritorial Obligations – A Review *by Ashfaq Khalfan*

The book demonstrates the wide range of areas in which State conduct can have an impact on economic, social and cultural rights beyond borders using a rich tapestry of 23 case studies from six policy fields. First, it assesses trade and investment, e.g., subsidised chicken exports from the EU that have undermined the right to food and work of poultry farmers in Ghana. Second, it conducts an analysis of eco-destruction and climate change, e.g., assessing the petition to the Inter-American Commission on Human Rights by the Inuit Circumpolar Conference against the USA for its failure to curb its emissions of greenhouse gases. Third, it addresses international development and social policies, such as U.S policies cutting aid to NGOs that provide or lobby for the provision of abortion services. Fourth, it addresses situations where intergovernmental organisations, including members of the World Bank Group and the Inter-American Development Bank, provided support to projects that led to human rights violations. Fifth, it considers failures of States to prevent human rights abuses by transnational corporations over whom they exercise jurisdiction, e.g., abuses carried out in Guatemala by a mining company headquartered in Canada and in which a Canadian government pension plan is an investor. Sixth, the book examines military conflict and occupation. Given the breadth of the book, the authors made a sensible decision to not address other policy fields that they identify as relevant, such as global finance and intellectual property.

Each case study separately assesses the territorial obligations of the State in which the harm was felt and the extraterritorial obligations of the State(s) whose act or failure to act contrib-

uted to a particular human rights abuse. Each case study also considers the most relevant remedy and accountability mechanisms to the particular situation. Some analyses in the case studies apply the Maastricht Principles on Extraterritorial Obligations in the Area of Economic, Social and Cultural Rights. The analytical introduction to each chapter provides a useful thematic overview and moves the discussion on the implications of extraterritorial obligations forward. With one exception – the withdrawal of German support for a cash transfer project to the poor in Zambia - the case studies are primarily about violations of the obligations to respect and protect rights. There remains need for case studies that further explore obligations to fulfil rights extraterritorially. Such case studies could look at for example, the trade or development policies of particular countries, including their negotiating positions in international regimes, to assess whether they were taking steps to fulfil rights to the maximum of their ability. But that requires another book of case studies, one that I hope the authors or others working on this issue might decide to take up in the future!

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Cases and Concepts on Extraterritorial Obligations in the Area of Economic, Social and Cultural Rights, Fons Coomans and Rolf Künemann (eds.), Maastricht Series in Human Rights, May 2012 | ISBN 978-9-40000-046-9

6 Overcoming the Disconnect between Women's Rights and the Right to Adequate Food¹

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PREMISE

Institutionalized gender discrimination and structural violence impose barriers to women enjoying the right to adequate food and nutrition. We need harmonization of legal, institutional, and policy mechanisms that could promote a gendered analysis of, and action on, the intersection of all of women's rights over the lifetime and the right to adequate food.

BACKGROUND

When so many call for the inclusion of women and a gender perspective, why is the food and nutrition status of women and girls not improving? (Bellows et al. 2011)

Women's human rights and the human right to adequate food have evolved along separate tracks that need greater coherence and institutional harmonization. The 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) was written to recognize "the right of everyone to an adequate standard of living...", but ordained the flow of those rights through (presumed) male household heads to the family within: "...for himself and his family" (Art. 11.1). As it stands, the Covenant renders women and children economically, socially, and culturally invisible with respect to their ability to claim accountability for their right to adequate food. Acknowledging, at last, the inherent discrimination in this language, the 1999 General Comment 12 "The Right to Adequate Food" (GC12) adds in its opening paragraph that the right to adequate food "applies to everyone; thus the reference in Article 11.1 to "himself and his family" does not imply any limitation upon the applicability of this right to individuals or to female-headed households" (Para. 1). Further expanding its normative content, GC 12 states that the right to adequate food applies to "every man, woman and child, alone or in community with others" (Para. 6).

Clearly, the still standing 1966 version must be interpreted in a systematic and evolutive manner, in coherence with the principles of universality and non-discrimination with regard to women's rights, including the human right to adequate food, as already recognized in other international human rights standards. Nevertheless, what this developmental approach to justice reveals, is the still existing social boundaries that delimit women's equal standing within households and their compromised capability to participate in public, political, and economic life, i.e., through gender mainstreaming. Even as the construction of men organizing the life of women and children is recognized as archaic and to be denounced in law, this frame of reality explains the risk of social violences faced by many women if they attempt to claim the universalized rights guarantees of GC 12 while living under the effective rule described in the Covenant's Art. 11.1.

The 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) noted only in the Preamble

that "in situations of poverty women have the least access to food, health, education..." "Pregnancy and lactation" demarcate women's right to "adequate nutrition" (CEDAW, Art. 12), although more indirectly, CEDAW does protect women's rights to farm-related resources (e.g., credit, marketing facilities, and land access and reform, Art. 14(g)) and to living conditions (e.g., with respect to housing and water, Art. 14(h)). A clear and direct articulation of women's right to adequate food falls only under the rubric of "special attention" and "appropriate pre-natal and post-natal health care", promoting women's well-being on behalf of families and children as opposed to respecting the rights of women, per se (ICESCR, Art. 10; 1989 Convention on the Rights of the Child (CRC, Art 24.2(d)).

While recognition of women's particular nutritional needs during gestation and breastfeeding is critical and welcome, it is important to note an internal discriminatory structure. First, the exclusive focus on women's part in reproduction collapses and instrumentalizes women's right to adequate food and nutrition – and in the process, female identity – into a medium of support for family life and child welfare. Second, pregnancy and lactation constitute a non-universal and temporal life-stage for women. Taken together, early stage construction of human rights has defined existing attention to women's right to adequate food and nutrition as an entitlement reserved for select women, during limited periods of their lives, with the primary objective being not women's welfare, but that of their children and extended family.

There has been some progress. Since the 1996 World Food Summit and the public introduction of the food sovereignty movement, attention to women as farmers and non-farm food workers, consumers, and policy makers has been articulated and increasingly stressed by groups in the public, private, and public-non-profit sectors alike. In 1999, ICESCR GC 12 unequivocally asserted that "[the] right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement" (Para. 6.). GC12 further stresses women's equitable right to economic resources including land, credit, and employment (Para. 26). The 2005 *FAO Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security* repeatedly specifies the need for States Party to the ICESCR to address and monitor women's access to the right to adequate food, as well as their participation in food policy making and monitoring. Countless studies identify women as the key to household food security (i.e., IFPRI 2005, Kent 2002).

And yet, the right to adequate food is disproportionately withheld from women and they inordinately experience food and nutrition insecurity relative to men. Estimates are that women and girls face 70% of all poverty (World Bank, FAO and IFAD 2009), and that women across all developing regions have less access than men to productive resources and opportunities (i.e. land, livestock, labor, education, extension and financial services, and technology; cf. FAO 2011).

So why, with attempts to mainstream women in food policy, and research attesting to their contributions in promoting food security

¹ This paper reflects on part of the work of the Gender, Nutrition and Right to Adequate Food Project organized by the Gender and Nutrition Department at the University of Hohenheim, FIAN International and the Geneva Infant Feeding Association serving as International Liaison Office for the International Baby Food Action Network (GIFA-IBFAN).

² The authors are all members of the Gender, Nutrition and Right to Adequate Food Project.

and social stability, does women's right to adequate food and nutrition consistently remain far less realized than that of men?

The answer can be found in institutionalized gender discrimination and structural violence. Women's greater subordination to food insecurity is correlated with indicators of gender discrimination (education, political participation, employment, health; von Grebmer et al. 2009). Gender discrimination, in turn, is associated with social instability, political conflict, and hunger more generally (UN 2002). We argue that structural violence against women has yet to be articulated as a barrier to women's life in dignity and with self-determination and consequently, to the realization of their right to adequate food and nutrition, comprising in the process the food and nutrition security of their communities.

GENDER DISCRIMINATION AND STRUCTURAL VIOLENCE

Structural violence engages many forms of violence that together reveal a process aligned with social injustice that "is built into [social] structure and shows up as unequal power and consequently as unequal life chances" (Galtung 1969, p.171). Kinds of structural violence include: poverty, or the deprivation of material necessities; repression and the lack of human rights realization; and alienation, i.e., the deprivation of non-material necessities (Ulvin 1998, p.101). Structural violence serves to maintain uneven, discriminatory social relations that build upon prejudice directed against diverse groups: ethnic, racial, or political minorities, rural peoples, the elderly or infirm, women, children, sexual minorities, etc. The Declaration on the Elimination of Violence Against Women (DEVAW, Preamble) states that "violence against women is an obstacle to the achievement of equality, development and peace..." that "...impairs or nullifies [women's] enjoyment of those rights and freedoms."

Those within a discriminated group (such as women) can experience structural violence differently. Uneven power relations (like gendered relationships) overlap, protecting or further weakening prospects of survival, wellbeing, freedom and identity. For example, more privileged women might claim they face no violence or discrimination; that indeed, women therefore cannot be understood as a discriminated group. Data prove otherwise. Yet this demonstrates some of the challenges, including disbelief in gender discrimination, in organizing on behalf of gender equity.

Efforts to overcome hunger and malnutrition have systematically overlooked the reality of physical, psychological, and socio-economic forms of structural violence against women and girls that deprive them of their rights to self-determination over the life cycle and the obligation to respect and protect how they choose to live their lives. A further frustration is that the range of violences identified in Articles 1-4 of DEVAW narrow and medicalize violence, restricting the capacity to monitor violence associated with women and food access and work.

Early Marriage and Childbirth. The promotion and protection of girls and women's rights, with special attention to their reproductive rights, must finally be dealt with as a human right to adequate food issue. Girls and adolescent women, induced by tradition or forced into child marriage and adolescent pregnancy, suffer the consequences of double or triple work burden and being deprived of their children's rights, including their right to adequate nutrition and education. While still in their growing

phase, they face heavy demands for physical labor, sex obligations to partners, and successive pregnancies beginning before they are fully mature.

Child brides are usually born into poverty. They grow up food insecure, a status complicated both: a) by the fact that in some households, over their life span, females typically eat least and last and b) due to the intergenerational recycling effect of poverty and malnutrition. Age and malnutrition are risks in pregnancy and childbirth. Adolescent pregnancy is a characteristic outcome of child marriage and exists as "among the leading causes of death worldwide for adolescent girls" (UNICEF 2011, p. 22). Underweight mothers have a higher risk of maternal death or morbidity (UNICEF 2011).

Food Work and Disempowerment. Structural violence, whether physically active or through the direct or implied threat of it, is a tool to control behavior and maintain power; violence disempowers those it targets. Violence monitors women's food work in households. A common justification for "disciplinary" action against women and girls is perceived inadequately prepared food and meals. Violence also presents a barrier to efforts to mainstream women in food policy work by controlling women's physical movement in public and private spaces and delimiting where, when, and under what conditions many women can travel outside the private household. A documented form of "discipline" is withholding food and under conditions of food insecurity, a form of self-induced (or forced) disempowerment is rejecting food because of gender (female), age (old/er), or both (Strümpel et al. 2008).

Noting for example, with respect to violence in the household and its impact on women's empowerment, the 2005-2006 National Family Health Survey-India (IIPS and Macro International 2007, pp. 474-486, 497, 500) reports 34% of women between 15 and 49 years of age experienced physical violence at some point since age 15; in 85.3% of the cases, the husband was responsible. Devastatingly for women's health and empowerment, even more women (54%) than men (51%), tolerate the idea and the practice of hitting or beating a wife as deserved punishment for various transgressions including inadequately prepared food.

If we hope to mainstream women into food security policy, then at a minimum, they cannot grow up believing someone has the right to beat them or that others have the right to govern their reproductive and productive capacities and in general, their partner choices. If we want to address women's food insecurity, we must promote all of their human rights over their entire lives.

HARMONIZATION OF LEGAL, INSTITUTIONAL, AND POLICY MECHANISMS

The initiation and evolution of women's human rights (CEDAW), the human right to adequate food (ICESCR), and women's human rights in the context of bearing and nurturing children (CRC) must develop institutional mechanisms to implement and monitor human rights implementation accorded by the covenants, in a coordinated manner, and to maximize the potential of respecting, protecting and fulfilling women's right to adequate food and nutrition over their life span.

WE THEREFORE RECOMMEND,

- Coordinate the food and nutrition related concepts and monitoring objectives of the ICESCR, CEDAW, and CRC. One practical step could be a General Recommendation on the Right to Adequate Food in CEDAW. Another strategy might be a common statement of the three treaty bodies referring to the way to handle the topic of the right to food, nutrition and gender with respect to the specific treaty objectives which could be an important coordination starting point.
- Address violence as an under-examined barrier to women's right to adequate food and to their participation in public policy. Inter alia, the ability of DEVAW to support gender mainstreaming could be strengthened and attention to food-related violence against women could be expanded.
- Explicitly mainstream women in right to adequate food policies and programs, recognizing and addressing the barriers they face in participating and benefitting from engagement.

REFERENCES:

- Bellows AC, Scherbaum V, Lemke S, Jenderedjian A, Viana RdS (2011). "Gender-specific risks: women, nutrition and the right to food." Right to Food and Nutrition Watch 2011. Pp. 23-29. <http://rtfn-watch.org>
- Brot für die Welt (2009). "Gender Mainstreaming in Practice. Nine examples of good practice from four continents". In Dialogue. Vol. 1. Brot für die Welt. Stuttgart. http://www.brot-fuer-die-welt.de/downloads/fachinformationen/dialog01_gender-mainstreaming_englisch.pdf
- Food and Agriculture Organization of the United Nations (FAO) (2011). The State of Food and Agriculture 2010-11: Women in Agriculture –

- Closing the gender gap for development. Rome. <http://www.fao.org/publications/sofa/en/>
- Food and Agriculture Organization of the United Nations (FAO) (2005). Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security. Rome. http://www.fao.org/righttofood/publi_01_en.htm
- Galtung J (1969). "Violence, peace, and peace research". Journal of Peace Research 6(3). Pp.167-191.
- International Food Policy Research Institute (IFPRI) (2005). Women. Still the Key to Food and Nutrition Security. Washington, D.C.. <http://www.ifpri.org/sites/default/files/pubs/pubs/ib/ib33.pdf>
- International Institute for Population Sciences (IIPS) and Macro International (2007). National Family Health Survey (NFHS-3), 2005-2006: India. IIPS: Mumbai. <http://hetv.org/india/nfhs/index.html>
- Kent G (2002). "A gendered perspective on nutrition rights". AGENDA 51. Pp.43-50.
- Strümpel C, Gröschel C, and Hackl C (eds.) (2008). Breaking the Taboo: Violence against older women in families: recognizing and acting. Austrian Red Cross: Vienna. http://www.rotekreuz.at/fileadmin/user_upload/PDF/GSD/Brochure-English.pdf
- United Nations (UN) (2002). Women, Peace, and Security. <http://www.un.org/womenwatch/daw/public/eWPS.pdf>
- United Nations Children's Fund (UNICEF) (2011). The State of the World's Children: Adolescence: An age of Opportunity. New York. http://www.unicef.org/sowc2011/pdfs/SOWC-2011-Main-Report_EN_02092011.pdf
- von Grebmer K, Nesterova B, Quisumbing A, Fertziger R, Fritschel H, Pandya-Lorch R and Yohannes Y (2009). 2009 Global Hunger Index: The Challenge of Hunger – Focus on Financial Crisis and Gender Inequality. Welthungerhilfe, International Food Policy Research Institute, Concern Worldwide. <http://www.ifpri.org/publication/2011-global-hunger-index>
- World Bank, Food and Agriculture Organization of the United Nations (FAO), International Fund for Agriculture Development (IFAD) (2009). Gender in agriculture sourcebook. The World Bank Publications: Geneva. <http://worldbank.org/genderinag>

Conflicts of Interest and Human Rights-Based Policy Making:**The Case of Maternal, Infant and Young Children's Health and Nutrition**

by Lida Lhotska, Anne C. Bellows, Veronika Scherbaum — Synopsis. Full article can be found in The Right to Food and Nutrition Watch 2012 (www.rtfn-watch.org).

Institutional conflicts of interest arise when an institution's own financial interest or those of its senior officials pose risk of undue influence on decisions involving the institution's primary interest.¹

Approaches to address the uneven progress towards the Millennium Development Goals to halve poverty and hunger and to reduce maternal and child mortality are increasingly linked to so-called multi-stakeholder initiatives (MSIs) and public-private partnerships (PPPs). The fundamental unaddressed political issue regarding these interactions is whether the primary interest of the public sector to protect and promote public interest can be reconciled with the business sector's primary interest of profit-making.

Already in the past, MSIs and PPPs have been used by business sector actors to undermine legally binding measures to hold them accountable to human rights principles and internationally agreed public health policies. We are concerned that the PPP-initiative Scaling Up Nutrition (SUN; launched 2010) may serve in the same manner. Instead of offering sustainable solutions for nutritional challenges, it may create conflicts of interest and help corporations to market products in ways that

fail to adhere to international standards and national laws while 'bluwashing'² their tarnished images.

We have three major concerns about SUN: it lacks safeguards for adequately dealing with conflicts of interest; SUN fails to rule out participation by manufacturers of products falling under the scope of the 1981 International Code of Marketing of Breast-milk Substitutes³; and its claim to be a social movement⁴ reflects either a serious misnomer or calculated appropriation of social discourse. To help counter the undue influence of PPPs and MSIs, readers should consider challenging this model in general, and SUN in particular, and demand clear distinction between appropriate and inappropriate roles for businesses.

Lida Lhotska represents the Geneva Infant Feeding Association that serves as the International Liaison Office for the International Baby Food Action Network (GIFA-IBFAN). Anne C. Bellows and Veronika Scherbaum are members of the Gender and Nutrition Department at the University of Hohenheim, Germany.

2 'Bluwash' refers to corporations that wrap themselves in the blue UN flag in order to improve their social image.

3 <http://www.who.int/nutrition/publications/infantfeeding/9241541601/en/>.

4 David Nabarro. April 2010 Revised. "Introducing the Policy Brief, 'Scaling Up Nutrition: A Framework for Action.'" p.5. http://satcaweb.org/san/dmdocuments/SUN_Introducing_Policy_David_Nabarro.pdf.

1 Lo, Bernard, and Marilyn J. Field, eds. (2009). Institute of Medicine. Conflict of Interest in Medical Research, Education and Practice. Washington, D.C.: National Academies Press.

International Public Hearing and Seminar on Human Rights in the Bajo Aguán, Honduras

by Marc Edelman

The first witness hobbled on crutches to the front of the cavernous church meeting hall. “We were at a protest when the police and military came after us,” Neptalí Esquivel recalled, describing what happened on March 30, 2011. “I raised my hands to surrender, but they fired two shots at me with an M-16. One bullet split my femur. They threw me on the ground and began to kick me with their boots in the wounded leg until they dislocated my hip.”

The International Public Hearing on Human Rights in the Peasant Communities of the Bajo Aguán convened on May 28, 2012, in Tocoa, Honduras, seat of a district that has witnessed the most acute agrarian conflict in Central America in the last 15 years. For an entire day witnesses from surrounding communities gave heart-rending testimonies before a panel of a dozen human rights specialists from the Americas and Europe, as well as observers from the Inter-American Human Rights Commission, the European Union, Honduran human rights groups and diverse civil society organizations. Various Honduran government representatives were invited, but the only one to confirm his attendance, César Ham, Director of the National Agrarian Institute, failed to appear at the last minute.

“They put a plastic bag over my head to suffocate me,” 17-year-old Santos Bernabé Cruz testified, recounting his experience during an eviction the year before in the village of Rigores. “They kept hitting me and pointed a rifle at me and put it in my mouth. Then they threw gasoline all over me and threatened to burn me alive. Some of them said it would be better to bury me alive or tie a rock to me and throw me in the Río Aguán.”

Nine international networks convened the Hearing, which was followed by a two-day seminar that focused more broadly on the human rights situation in Honduras as well as on the defense of peasants’ rights at the national, regional and international levels. Working groups of peasant activists and international experts tackled the difficult question of how to develop practical measures to advance human rights in a zone immersed in an intense conflict.

Victims of human rights violations have nowhere to turn, since the country’s judicial institutions are dysfunctional, the police and military frequently commit abuses and are allied with the large landowners, and perpetrators of crimes almost always enjoy impunity. The widows and orphans present reported that they have not obtained any state assistance after the assassinations of their loved ones. Few have received adequate medical or psychological treatment after the attacks that upended their lives and often wrecked their bodies.

The roots of conflict in the fertile Aguán valley go back at least to the agrarian reform of the 1970s. Reform beneficiaries in the Bajo Aguán region received relatively large parcels (averaging more than 10 hectares per family). The reform gave rise to dynamic peasant enterprises, notably the Isletas cooperative, which produced bananas that it sold to Standard Fruit. In 1977, when Isletas sought greater independence from Standard, the military occupied the region and imprisoned several peasant leaders. The state never provided adequate support for the peasant enterprises and already in the 1980s many coop members began to abandon the land. The regional integration

and market openings of the 1980s accelerated this process, as many campesinos were unable to pay debts to public-sector banks incurred when they obtained their parcels. Also in the 1980s, the Honduran government leased land to the United States for a regional military training center which led to a heightened military presence in the Aguán. The 1992 Agricultural Modernization Law, which permitted the sale of agrarian reform lands under certain conditions, accelerated the disbanding of peasant enterprises. Between 1992 and 1997, at least 73 cooperatives in the Aguán Valley sold some 250,000 hectares of land to wealthy entrepreneurs, transnational corporations, military officers and—at times—their own “leaders.”¹ Most of these “sales” were nonetheless technically illegal and, especially after the devastation of Hurricane Mitch in 1998, campesinos in the Aguán intensified efforts to recuperate lands, including the site of the former US military base.

Following the 2009 military coup, more than a dozen brutal evictions occurred in the Bajo Aguán, most without the required legal notice. Since the coup, according to Honduran human rights organizations, 52 campesinos have been assassinated in the region, as well as a journalist and his fiancée. One peasant remains “disappeared” after more than a year. In 2010 the Porfirio Lobo government signed an accord with one of the peasant organizations to provide financing to cede 11,000 hectares claimed by Miguel Facussé, René Morales and Reynaldo Canales, about 5,000 of which were occupied by organized peasants on both banks of the Aguán River. This agreement was not implemented and violence continued. In May 2012 Facussé fixed a June 1 deadline for payment for “his” lands and threatened another violent eviction.

It was in this climate of tension that the International Public Hearing opened on May 28. The Hearing, and the Seminar that followed, highlighted the importance of international observers where human rights are routinely violated. On June 1 thousands of peasants demonstrated in Tocoa in defiance of Facussé’s eviction ultimatum. Four days later the National Agrarian Institute reached an agreement with the Unified Peasant Movement of the Aguán (MUCA) about payment for occupied lands on the right bank of the river. Peasant leaders declared that they acquiesced “under pressure and under threat” and the terms include a premium price for Facussé and onerous loans for MUCA. Nevertheless, the accord headed off a potentially calamitous confrontation in at least one part of the region. Even Porfirio Lobo, who became president in post-coup elections condemned throughout the hemisphere as illegitimate, acknowledged that in Honduras an error had been committed and that there had been an agrarian counter-reform that now needed to be corrected. The close links between Lobo and the large landowners, however, suggest that the obstacles to such a “correction” will be formidable. Indeed, in the weeks following the agreement a new wave of violence swept the region, as police, military and private guards attacked peasants who continued to reclaim land and to protest the ongoing repression.

Marc Edelman, a professor of anthropology at Hunter College and the CUNY Graduate Center, was a member of the tribunal that presided over the hearing in Tocoa.

1 Miguel Alonzo Macías, *La capital de la contrarreforma agraria: el Bajo-Aguán de Honduras* (Tegucigalpa: Guaymuras, 2001), 39.

10 From Corporate Stock Holders to Land Owners?

The ongoing agrarian reform process in the Philippines' Hacienda Luisita

by Danny Carranza

Nothing stirs greater interest and controversy in the Philippine agrarian reform front than the 6,443-hectare Hacienda Luisita, a sprawling sugarcane plantation owned by the family of former President Cory Cojuangco-Aquino. More than five decades after acquiring ownership of the said estate, the Cojuangcos continue to be hounded by criticism for continuing to avoid the land redistribution that they promised in several episodes of the history of the hacienda, the latest of which was in 1989, when, despite a new agrarian reform law, the Cojuangcos through their new corporation, the Hacienda Luisita Incorporated (HLI), implemented a non-land transfer scheme called the stock distribution option (SDO). The said scheme allowed HLI to merely distribute shares of stocks as a way of compliance with the Comprehensive Agrarian Reform Program (CARP) of 1988, in lieu of land redistribution.

After more than four decades of often bloody struggle, the farm workers' right to own the land they till was recognized by the Supreme Court of the Philippines. Voting 14-0 on April 24, 2012, the Supreme Court invalidated the stock distribution option and ordered the Department of Agrarian Reform to redistribute the sugarcane plantation to its 6,296 farm workers.

It was a fitting climax to the farm workers' land reform struggle that began in the late 1960s'. This struggle was highlighted by the terribly tragic "Luisita Massacre" in 2004, in which a number of farm workers calling for the revocation of the SDO were killed after a clash with riot police. The incident exposed the continuing injustice and inequity inside the large estate: acute labor insecurity, continuing retrenchment and lack of available work, very low take home pay, and conversions of agricultural land for non-agricultural use. These are all in violation of the promise that, under the SDO, lands would remain intact and unfragmented and would result in increased incomes and greater benefits for the farmworker-beneficiaries.

The Supreme Court decision meant that, for the first time, the farm workers would have a real opportunity to own the lands they till. While the government has started the process of land redistribution, however, it appears less interested in addressing the equally important post-distribution scenario, where farm workers are ready to take the challenge of individual or collective farming as a secure source of livelihood.

PROBLEMS AHEAD

The majority of the 6,296 farm workers have never experienced self-managed farming, due to decades of dependence on the corporation as wage earners. The risks associated with present day farming and the absence of government support make farming a more difficult undertaking for the inexperienced farm workers. For instance, when the work inside Luisita was paralyzed after the 2004 "Luisita Massacre," many of them occupied the land to make a living from farming. Occupants, however, did not get any support from the government. They were thus forced to borrow production capital from informal lenders at usurious rates.

In addition, occupants suffered from successive destructive calamities in 2007 (drought) and 2008 (typhoons) that caused

their deep indebtedness. Instead of risking anew, many farm workers were forced to lease occupied lands to big rich sugar planters. Many of them thus surrendered their first opportunity at making a living from farming. Nevertheless, a number of farm workers with previous farming experience outside of the hacienda were able to sustain their occupation and raised crops such as rice, corn, tomato and vegetables. Some made incredible leaps in incomes and were able to buy farm implements such as tractors. Their farming system, however, is heavily dependent on chemical inputs borrowed from traders.

Meanwhile, despite the continuing hunger inside Hacienda Luisita, the Department of Agrarian Reform (DAR) has not addressed the situation with any sense of urgency in fast tracking land redistribution. "We are in no hurry. What's important is that we will not make a mistake in the distribution of lands," said DAR Secretary Virgilio de los Reyes (Business Mirror, 27 June 2012).

Moreover, the selection process devised by the DAR will create tensions among residents of the estate. The DAR opened the floodgates for individual applications by inviting individuals to the screening process instead of starting from the 6,296 farm workers originally listed in 1989, the list that was affirmed by the Supreme Court in its decision. As of June 20, 2012, there were already 8,472 applicant-individuals. The farm workers believe that the government wants to maintain sugarcane production to appease the corporation since the landowner stands to benefit from continuing sugarcane farming as owner of the sugar mill inside the estate. This is reinforced by the fact that the only farming concept introduced by the government so far is sugar cane block farming, a program that would reconsolidate distributed lands at a minimum of 50 hectares per block farm, purportedly for agricultural efficiency. There is thus a possibility that the ongoing process may not lead to real redistributive outcomes if the government is allowed to dictate the pace and direction of agrarian reform in the said estate.

It is in this context that the farm workers of Hacienda Luisita will need external support to push for and ensure the transformation of the land from a plantation economy to viable small farm holding agriculture. The transition phase needs to address critical questions:

- What farming system is most appropriate and sustainable in the said estate?
- How is the right to food of farm workers to be secured?
- Where and how should production capital, farm machineries and technologies be sourced and organized?
- What other farming activities should be undertaken to ensure sustained income increase for farm workers to eventually leap from poverty threshold?
- How should farm workers organize their enterprise arm in marketing their produce and ensuring market access?

These questions will spell the success or failure of the ongoing agrarian reform process in Hacienda Luisita.

Danny Carranza is an agrarian reform activist with FIAN Philippines. Watch an interview with him at: <http://goo.gl/qLkYZ>

The new Global Strategic Framework for Food Security and Nutrition – Test case for the Human Rights Approach

by Natalia Landivar and Martin Wolpold-Bosien

In October 2012, the Committee on World Food Security (CFS) will discuss, and eventually approve, a first version of the Global Strategic Framework for Food Security and Nutrition (GSF), after a two-year long discussion and negotiation process with a broad range of stakeholders. This article examines the extent of the human rights approach within the process and content of the final draft of the GSF.

One of the major endeavours of the Committee on World Food Security (CFS) after its thorough reform process in 2009 has been the elaboration of the Global Strategic Framework for Food Security and Nutrition (GSF)¹. Designed as an overarching guiding framework, the GSF is meant to be a dynamic instrument to enhance the CFS as the most inclusive coordination and guidance platform of global, regional and country-led food security and nutrition actions. The reform of the CFS set a new course for the Committee to become the foremost inclusive forum for global governance of food security and nutrition through the promotion of international coordination and coherence, and with the aim to eradicate hunger and malnutrition, particularly by strengthening the implementation of the right to food. Social movements and civil society groups, particularly small-scale food producer organizations and supporters of food sovereignty, human rights and democracy, value the reform of the CFS as an important achievement.

The human rights approach was one of the guiding principles of the CFS reform, which is reflected both in the Vision Statement and in the inclusive governance system of the renewed body. The vision of the reformed CFS is to strive towards "... a world free from hunger where countries implement the Voluntary Guidelines for the Progressive Realization of the Right to Adequate Food in the Context of National Food Security²."³ During the negotiations on the GSF, inclusive governance was applied for all actors and stakeholders, opening up space especially for civil society actors, including representatives from those constituencies most affected by hunger and malnutrition, such as the landless, agricultural workers, indigenous peoples, peasants, fisherfolk, pastoralists, women, youth and the urban poor. Along with civil society organizations, they are able to interact with the CFS through the autonomous Civil Society Mechanism (CSM).

During the elaboration process of the GSF, participatory methodologies have been applied. The respective CSM working group on GSF, which was facilitated by La Via Campesina and FIAN International, has been invited to contribute at each step of the elaboration and has encouraged social movements and other civil society groups to contribute to the process with discussion papers, statements and other inputs.⁴

The discussions during the GSF process have also provided insight into how governments, intergovernmental institutions, and

the private sector view the human right to food. Although there seems to be international consensus on the right to adequate food and the implementation of the *Right to Food Guidelines*, there are some governments and other actors that systematically try to limit the scope of the implications of a human rights approach in food and nutrition policies, particularly when it comes to ensuring multi-sector coherence between programs and policies, or to recognize legal accountability mechanisms and effective remedies for those affected by persistent hunger. Rejection of the human rights framework is apparent within discussions related to: the role of trade liberalization and investment agreements; public-private partnerships in the food and nutrition sector; agro-fuel expansion and associated land and natural resources grabbing. The most polarising topic within the GSF final negotiations was food sovereignty. Some governments would like to prevent debate around the term, trying to avoid further credibility to the concept.

On the other hand, important elements of a human rights approach to food security and nutrition, as proposed or supported by civil society groups, were accepted by the governments' consensus. The draft GSF to be approved in October 2012 includes important paragraphs that highlight the commitment to implement, *inter alia*: the human right to food through national, regional and global policies; policies that prioritize small scale food producers; living wages and labour rights; the new Guidelines on responsible governance of tenure of land, fisheries and forests, including through redistributive reforms; women's rights by fighting all forms of discrimination; the human rights dimension of social protection; and nutrition policies within a human rights perspective with emphasis given to the social determinants of nutrition and nutrition sensitive development.

The GSF negotiations also reached an important consensus regarding monitoring and accountability systems: these should be human-rights based, with particular reference to the progressive realization of the right to adequate food. Considering the overall picture of the drafting process, the GSF first version has shown how far we have come with human rights in food security and nutrition policies, and where the challenges lie for the future.

Natalia Landivar from FIAN Ecuador is member of the Coordination Committee of the Civil Society Mechanism to the CFS. Martin Wolpold-Bosien is the coordinator of the Right to Food Accountability Program at FIAN International.

FURTHER READING:

Golay, Christophe, and Michaela Büschi. *The Right to Food and Global Strategic Frameworks: the Global Strategic Framework for Food Security and Nutrition (GSF) and the UN Comprehensive Framework for Action (CFA)*. Rome: FAO, 2012

Factsheet 1 – The Global Strategic Framework for Food Security and Nutrition: A Right to Food Perspective. FAO. March 2012

Factsheet 2 – Human Rights: A Strategy for the Fight against Hunger. FAO. March 2012

All available at http://www.fao.org/righttofood/news56_en.htm

1 CFS, Reform of the Committee on World Food Security, Final Version, Thirty-fifth session of the CFS, 14,15 and 17th October 2009, Agenda Item III, CFS: 2009/2 Rev 2.

2 <http://www.fao.org/docrep/meeting/009/y9825e/y9825e00.htm>

3 CFS, 35th Session. "Agenda Item 3: Reform of the Committee on World Food Security, Final Version," (CFS:2009/2 Rev 2). Rome, 14,15,17 Oct. 2009.

4 The CSM Working Group on the GSF, produced a "Civil Society Working Document on the Global Strategic Framework for Food Security and Nutrition" and a series of inputs and statements during the process, see http://www.csm4cfs.org/policy_working_groups-6/global_strategic_framework-8/

12 PUBLICATIONS

Positive Investment Alternatives to Large-Scale Land Acquisitions or Leases

Large-scale land acquisitions or leases, also referred to as 'land grabs', have multiplied in the wake of the food, energy and financial crisis. Welcome by international financial institutions, multilateral agricultural organizations and mega philanthropy for bringing in investment to neglected rural areas, these land deals represent instances of investment in only the narrowest terms. This paper examines a range of alternative investments which strengthen the right to food, re-valorize agricultural work, and build up ecological capital. June 2012, English. Available at: <http://fian.org/resources/documents/others/positive-investment-alternatives-to-large-scale-land-acquisitions-or-leases/pdf>

The criminalization of human rights defenders in Latin America - Recommendations for the EU and the UN

This paper describes expressions and trends in criminalization in Latin America on the basis of case examples and makes recommendations to the EU and UN. June 2012, English, Spanish and French. Available at: <http://fian.org/news/news/the-criminalization-of-human-rights-defenders-in-latin-america-recommendations-for-eu-and-un/pdf>

The Right to Food of Indigenous Peoples in Latin America

This publication examines the situation of hunger and malnutrition as well as the legal protection of indigenous peoples in Latin America, with a focus on the Sawhoiyamaya in Paraguay and the Guarani-Kaiowá in Brazil. April 2012, English and German. Available at <http://www.fian.org/resources/documents/others/the-right-to-food-of-indigenous-peoples-in-latin-america/pdf>

Seeding Hope? Land in the International Human Rights Agenda: Challenges and Prospects

This paper, grown out of a gathering of ESCR-Net's Social Movements Working Group in Brazil, highlights several issues currently being explored by the human rights community with regards to land. May 2012, English. Available at: <http://fian.org/resources/documents/others/seeding-hope-land-in-the-international-human-rights-agenda-challenges-and-prospects/pdf>

(Bio) fueling Injustice? Europe's responsibility to counter climate change without provoking land grabbing and compounding food insecurity in Africa

This report, published by the campaign EuropAfrica, presents the impact of the EU biofuel policy regarding food security, sustainable small-scale agricultural production and related social, economic and environmental aspects with special attention to Africa. February 2012, English. Available at: <http://fian.org/resources/documents/others/eu-bio-fuelling-injustice-and-hunger-in-africa/pdf>

FIAN Annual Report 2011


The report chronicles the year's achievements in FIAN's international working areas, including fighting violations for the right to food; access to natural resources; income, nutrition and related policies; and the right to adequate food accountability, and profiles the activities and cases of national FIAN Sections. April 2012, English and Spanish. Available at: <http://www.fian.org/resources/documents/categoria-1/fian-international-annual-report-2011/pdf>

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FIAN International is the international human rights organization that advocates the realization of the right to food. We are a non-political, non-for-profit organization with sections and members in more than 50 countries. We expose violations of people's right to food and strive to secure access to the resources that people need in order to feed themselves now and in the future. We envision a world free from hunger, in which every man, woman and child can fully enjoy their human rights in dignity.