EDITORIAL

The 2014 edition of the Right to Food Journal highlights the advantages of working with the broadened concept of the human right to adequate food and nutrition.

In this spirit, civil society organizations and social movements have been working intensely in the last months to critically accompany the preparation process for the second International Conference on Nutrition (ICN2) taking place in November 2014 in Rome 22 years after the first conference on the topic.

Civil society claims that ICN2, an intergovernmental meeting on nutrition jointly organized by the Food and Agriculture Organization (FAO) and the World Health Organization (WHO), follows a fragmented conceptual approach to food security and nutrition, which hinders the holistic analysis of the root causes of all forms of malnutrition and leads to the elaboration of a set of policy proposals incoherent with the full realization of the right to food and nutrition.

A great convergence was spearheaded by the Global Network for the Right to Food and Nutrition and FIAN International at a conference in June 2014 in Geneva. Participating civil society organizations and social movements focused on the question whether the path towards human rights compliant, holistic and sustainable food systems could serve to link and unify social struggles to revert and avoid the increasing corporate control over the public sphere and people's resources.

A cross-sectional movement seeking to reclaim public interest participation, and especially to denounce human rights violations by transnational corporations and enterprises is the Treaty Alliance, which achieved a major victory, when the Human Rights Council in June adopted a resolution to develop a binding instrument to protect human rights to end human rights abuses and impunity by transnational corporations and other business enterprises.

We wish you a pleasant reading.

Wilma Strothenke, FIAN International

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FIAN

2 Towards the full realization of the Human Right to Adequate Food and Nutrition

by Flavio Luiz Schieck Valente

"The ultimate objective of the right to adequate food is to achieve nutritional well-being. Nutritional well-being is dependent on parallel measures in the fields of education, health and care. In this broader sense, the right to adequate food is to be understood as the right to adequate food and nutrition." (Code of Conduct on the Human Right to Adequate Food, 1997)[1]

The interpretation of what is really meant by Right to Food in the context of the Universal Declaration of Human Rights has been in dispute ever since included in article 25, as part of the more holistic "right to a standard of living adequate for the health and well-being of himself and of his family".[2]

At one end of the spectrum are the powerful and rich industrialized economies, closely linked to the interests of mega transnational corporations (TNC), which attempt to reduce the right to food to the right to access to food stuffs/commodities, or calories, especially under the form of food assistance or handouts, and which refuse to recognize their obligations to respect, protect and fulfill, under international human rights law. These same countries promote separately access to food supplements, rich in micronutrients, as a way to promote "nutrition". At the other end of the spectrum, we have the multitude of peoples and social movements, civil society organizations (CSOs), academics, a small subset of United Nations (UN) agencies – in special the Human Rights System – and a few Governments/States, who see the act of feeding oneself, one´s family and communities as a social process of transforming nature/food into human nature (i.e. well nourished, healthy, happy, active women and men citizens) reaffirmed in their cultural identity and human dignity. In between these extremes we have a wide variety of understandings, positions, and groups. We face a massive political and economic hegemony of the powerful TNC leading the agro industrial model of production and food system, embraced by the industrialized states, with very negative consequences for a vast proportion of the population worldwide.

FIAN International defends that the interpretation of the so called right to adequate food (RtAF) must have the nutritional dimension fully reincorporated, and be updated and re-conceptualized within the framework of food sovereignty and women´s rights. Food must here be understood not as mere foodstuff or commodity, or as a "medicine", but as the social process of nourishment (as in "alimentación" in Spanish), including nutritional wellbeing as a primary capability that makes possible for human beings to give birth, to be born, to grow, to develop, to learn, to work, to make love, and to be happy and socially active in their territories, as in the "Buen Vivir" concept of the indigenous peoples. Therefore, and as proposed in the draft of the International Right to Food Code of Conduct (1997) endorsed by more than 1,000 CSOs and social movements, we should understand and denominate this right as the *Human Right to Adequate Food and Nutrition* (RtAFN).

THE SOURCE OF HUMAN RIGHTS

We understand that human rights and the human rights framework are social constructions resulting from the millenary struggles of individuals, social groups, and peoples against oppression, exploitation, discrimination and abuses of power by States and other powerful actors. Human rights are an ethos, a set of principles and rights, an aspiration and a demand – coming out of these struggles – for a society in which human dignity and equity, in the context of diversity, reign. At the same time, human rights are a framework, which identifies those who have their rights violated, those who abuse their power, and defines the State – seen as the manager of public good – as having both the obligation to guarantee these rights and as a potential violator of human rights. As such, this framework can serve as a powerful tool for the advancement of peoples' struggles.

International Human Rights law, on the other hand, is written with the indelible ink made of the blood and sweat of women, men and children who struggle individually or collectively against abuses and for justice. The incorporation of human rights content and principles into "social pacts" is yanked by peoples' struggles against the elites of the time, usually in moments of brutal rupture of the social tissue, when the horror of oppression and discrimination becomes crystal clear, the "king is nude", and the elites are forced to negotiate and accept social limits to their power. Examples of this are the French and American constitutions, and the Universal Declaration of Human Rights (1948).

These and other human rights instruments have been continuously perfected on the basis of the daily struggles of the peoples throughout the world. The evolution of the conceptual framework of the right to food in the last 25 to 30 years is an example of this.

THE RIGHT TO FOOD AS A TOOL FOR SOCIAL STRUGGLES: EVOLUTION AND LIMITS

The clarification and interpretation of the right to food have evolved significantly since its inclusion in Article 25 of the UDHR[3], as part of the right to adequate standard of living. The specification of the right in Article 11, paragraph 1 of the ICESCR[4] underlines the issue of the adequacy of food in the indivisibility of rights. Article 11, paragraph 2 defines the fundamental right to be free from hunger, and links the realization of the right to measures in production, conservation, distribution, technical knowledge, nutrition and better ways to access natural resources. Article 11 also states that international cooperation and attention to the impact of international trade are relevant to the realization of the Right to Food, reminding states of their extra-territorial obligations. In this way, the main documents allow for a broad interpretation of the right, and by 1997 the RtAF is denominated the Right to Adequate Food and Nutrition (RtAFN).[5]

1 FIAN International, WANAHR, Istituto Internazionale Jacques Maritain et al. Heidelberg, FIAN International, 1997, Article 4, para. 2 in www.iatp.org/files/International_Code_of_Conduct_on_the_Human_Rig.htm (visited on August 1, 2014)

2 Universal Declaration of Human Rights, United Nations Assembly, New York, 1948. Article 25 in: www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf (visited in August 4, 2014)

3 UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: www.refworld.org/docid/3ae6b3712c.html [accessed 7 August 2014]

4 UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: www.refworld.org/docid/3ae6b36c0.html [accessed 7 August 2014]

5 FIAN International, WANAHR, Istituto Iinternazionale Jacques Maritain et al. International Draft Code of Conduct on the Right to Adequate food. Heidelberg, FIAN International, 1997, Article 4, para. 2 in : www.iatp.org/files/International_Code_of_Conduct_on_the_Human_Rig.htm (visited on August 1, 2014)

Eide, in his report (1999)[6] on the realization of the RtAF, demands attention to three nutritional dimensions of the right: 1) the life cycle approach; 2) the role of women´s and girls´ malnutrition in leading to intergenerational transmission of malnutrition, and 3) the double burden of malnutrition and related diseases.

Despite these alerts, the General comment 12 on the RtAF issued in 1999 by the UN CESCR upon request of the World Food Summit 1996[7], even though it interpreted the right as including the right to be free from hunger and malnutrition, fell short of giving adequate attention to the nutrition dimension of the RtAF and to its fundamental links with women's rights.

The FAO Guidelines on the RtAF[8], celebrating its 10th anniversary in 2014, had a pioneering role as the first document adopted by States, on how to operationalize an economic, social and cultural right. The Guidelines reaffirm the need to strengthen national human rights systems, to elaborate intersectoral participatory national food and nutrition security strategies and to implement, in a coordinated fashion, a wide set of policies, directly and indirectly related to the promotion and protection of the RtAF. However, the Guidelines failed to tackle the role of global governance and the observation of States' Extraterritorial Obligations, including the public regulation of transnational corporation and other business entreprises. They also failed to include the full realization of women´s rights and give attention to nutrition all along the food chain and nutritional wellbeing as part of the full realization of the right.

In sum, the present interpretation of the right to food fails to address the demands of social movements for food sovereignty, the centrality of women's rights and of the indivisibility of food and nutrition. Therefore, it fails to tackle the root causes of and the links between the persisting unacceptable levels of landgrabbing, low wages, hunger/undernourishment, low birth weight, child marriage, micronutrient malnutrition, stunting with its accompanying proneness to cognitive disabilities, infectious diseases and higher risk of death in infancy and the higher risk of developing non communicable diseases later in life, and the growing epidemics of obesity, linked to poverty and cheap monotonous diets, based on ultra-processed products.

NOURISHING PROCESS: TRANSFORMING NATURE INTO PEOPLE[9]

There is nothing more basic than breathing, eating and drinking for all living beings. Doing this guarantees us the water and nutrients present in the food stuffs we eat and drink, and the oxygen from the air necessary to help build our tissues, grow, develop, move, reproduce, and live. Without them one gets weak, becomes sick and dies, or when survives, especially infants and children, may present serious hampering of one´s physical, cognitive and emotional development. However, the social process in which the act of nourishing oneself, one's family, and others is embedded in one that clearly reflects the intertwined complexities and wealth of our relationship to eating as individuals and communities, to nature as humankind, and to each other as human beings.

The act of feeding/nourishing oneself for human beings is much more than an instinctive act moved by the sensation of hunger. Adequate food/nourishment goes much beyond the mere ingestion of agricultural products or nutrients, their digestion and transformation into body and life. Human beings do not feed themselves on iron, proteins and vitamins. They nourish themselves on meals, which are socially produced from the moment of the sowing and harvesting of diversified food products, to the moment of preparation and sharing. Human beings, along their evolution, developed an intricate relationship with the nourishment process, transforming it in a rich ritual of creativity, sharing, love, solidarity and communion among human beings and with nature, permeated by the cultural characteristics of each human community and grouping.

SOCIAL, POLITICAL AND ECONOMIC DETERMINATION OF HUNGER AND MALNUTRITION

Essentially, we depend for our nourishment and nutrition on the capacity of plants to transform solar energy, water and soil nutrients into food stuffs rich in energy, nutrients and flavor. We are made of light transformed into a complex organism, with the capacity to think, feel and act, individually and collectively.

But hunger and malnutrition do not happen because the sun discriminates, or because there is not enough fertile land or food available. They happen because societies have been structured in line with the interests of the politically and economically hegemonic social groups. This leads to the production and reproduction, along the years, of limited access for the vast majority of the people to: productive resources, water, jobs, living wages, adequate working conditions, housing, health, education, social security and protection, among others. They happen because women continue to be treated as second class citizens in most of the world, with limited control over their sexual and reproductive life, limited access to education, to jobs and equal pay, subject to violence at home and in society, and limited guarantee of the right to breastfeed. They happen because national and international policies have led to decades of concentration of wealth at national and international level and to the situation in which many TNCs have budgets beyond those of the majority of national economies. They happen because national and international public policies are developed in line with and at the service of the interests of the local and international elites and TNCs, distancing themselves each day more from people´s priorities and within a fragmented approach that serves private interests. In reality, the hegemonic socioeconomic model of development and its very coherent policies continuously reproduce and produce more inequality, more exclusion, more hunger and malnutrition.

6 Eide, A. The Right to Adequate Food and to be Free from Hunger: Updated Study on the Right to Food, Submitted by Mr. Asbjørn Eide in Accordance with Sub-Commission Decision 1997/108, E/CN.4/Sub.2/1999/12, 28 June 1999.

7 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: www.refworld.org/docid/4538838c11.html [accessed 7 August 2014]

8 Food and Agriculture Organization (FAO) Council, Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security Adopted by the 127th Session of the FAO Council, November 2004. Food and Agriculture Organization of the United Nations, Rome, 2005

9 This section is extracted and updated from "Segurança Alimentar e Nutricional: transformando natureza em gente" in: Valente, F.L.S. Direito à Alimentação: desafios e conquistas. Cortez Editora, São Paulo, 2002.

THE CENTRALITY OF THE FULL PROMOTION OF WOMEN´S HUMAN RIGHTS

The guarantee of all women´s human rights is central for the full realization of the RtAFN for all. Despite all advances women have conquered in the last century, most women in the world today are still submitted to several layers of significant structural discrimination and violence, at societal, community and household level. This has negative implications for the full enjoyment of their human potential at physical, cognitive, mental and psychological level. On the one hand, this has led to systematic violation of rights and much suffering, but on the other hand, women have reacted and organized powerfully, becoming one of the most important sources of social change proposals, directly questioning the patriarchal dimension of the hegemonic mode of development, and the model itself.

An additional dimension of violence imposed on women in the field of food and nutrition is the systematic reduction of their role as a mother and main provider of food security and nutrition for families and communities. In many public policy documents, girls are treated as "future mothers", and not as women who have the right to grow, develop, study and decide what they plan for themselves, including their choice to have sexual relations and reproduce. This contributes to render women and their rights invisible in food security policies, and therefore their demands are not adequately taken into account and dealt with. This leads to policies and programs that overburden women even more with additional responsibilities.

Much of women´s, infant and child malnutrition in the world today is a direct consequence of structural violence and discrimination against women. This violence against girls and women, through infanticide, discriminatory feeding practices, child marriage, imposed adolescent pregnancy, rape, and norms that violate women´s autonomy to decide about their lives and bodies, have influence not only on the girl or woman´s right to food and nutrition, but as well on their children's. A girl forced to get pregnant before she is gynecologically mature (in average three years after the first menses are required) is still growing, and the fetus will compete with her for nutrients, which will affect negatively both mother and fetus´ nutritional status. This consists in what is called the intergenerational reproduction of malnutrition.[10]

Stunting in utero and in infancy, especially until two years of age, has short and long term consequences. In the short term, stunting affects brain development, body growth and leads to metabolic programming towards accumulation of fat. In the mid and long term, it affects cognitive development, capacity to work, immune system development, and leads to significantly increased risk of obesity and non-communicable diseases. The coexistence of undernutrition and obesity, both with their negative health consequences, is denominated double burden.

Access to adequate food alone is not enough to guarantee the realization of the human RtAFN, as understood in its holistic version. In order to guarantee this right, we must have a healthy environment, adequate public health services, full realization of women's rights and the fulfillment of food sovereignty principles, and other related rights.

LIMITS OF THE FOOD AND NUTRITION SECURITY FRAMEWORK AND THE ADDED VALUE OF FOOD SOVEREIGNTY

Conceptualizing the RtAFN within the framework of national food security, even in its most updated version, limits the understanding of this right to the dimensions of availability, access, utilization and stability, and the recognition of nutrition. In doing so, the discussion does not tackle the root causes of food and nutrition insecurity, most of which, whether of national or international nature, are seen as being external to the mandate of intergovernmental policy spaces and organizations dealing with food and nutrition security. As defined by the Committee on World Food Security (CFS):

"Food security exists when all people at all times have physical, economic and social access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. The nutritional dimension is integral to the concept of food security and to the work of CFS." [11]

The food security concept has been heavily influenced, especially since the approval of General Agreement on Tariffs and Trade (GATT) and the institution of World Trade Organization (WTO) in 1994, by the intense disputes between the understanding of the industrialized world that international agricultural free trade is the best solution for food insecurity at the national level, and countries that live the dire reality of food insecurity due to their incapacity to purchase food in the international markets- or are unable to guarantee that all citizens have access to enough food- due to national and global economic and political dynamics. But these disputes do not help to perfect the concept towards tackling the central causes of hunger and malnutrition, and the debate ends up concentrated on the discussion of how to patch up the situation at the national level through safety nets, food assistance, and opening up to the expansion of the agro industrial model for export. The discussion about the links of food and nutrition security to alternative models of production, landgrabbing, the impact of agrofuel production on small scale producers, financialization of food production, inequality, impact of export subsidies and trade, and the impact of the corporate sector, among others, has been blocked by the industrialized countries, under the allegation that this is discussed somewhere else.

On the other hand, the conceptual framework of food sovereignty has been in continuous evolution, under the lively influence of the struggles of peoples and social movements to feed themselves and their communities and to preserve their livelihoods and human dignity. At the same time, the concept has been

10 James, P. et al. Ending Malnutrition by 2020: an Agenda for Change in the Millennium. Final Report to the ACC/SCN by the Commission on the Nutrition Challenges of the 21St Century. ACC/SCN, Geneva, 2000. Available at: www.unscn.org/layout/modules/resources/files/2020Report_1.pdf (accessed 7 August 2014).

11 COMING TO TERMS WITH TERMINOLOGY: Food Security, Nutrition Security, Food Security and Nutrition Food and Nutrition Security, CFS 2012/39/4, Rome, FAO, 2012. at: www.fao.org/docrep/meeting/026/MD776E.pdf (visited on 26 August, 2014)

further sharpened by the broadening alliances around the food sovereignty movement with the inclusion of new social actors. The definition of food sovereignty adopted in the Nyéleni Declaration[12] (2007) demonstrates this.

The food sovereignty framework, of a holistic nature and focused on the root causes of hunger and malnutrition – without neglecting the other levels of determination – brings clearly to the center of the realization of the RtAFN, the dimension of **peoples' sovereignty and participation in the governance of the small scale food producers' access to and control over productive resources, jobs, income, working conditions, as well as of food and nutrition and related policies, and the regulation of powerful economic and political actors, including those acting at the international level.** At the same time the food sovereignty framework highlights the **need to eliminate oppression and inequality at the individual and collective level, recognizing that women´s rights and the eradication of all forms of discrimination are central to food sovereignty.**

In addition, different social groups within the food sovereignty movement emphasize the **links between the promotion of biodiversity in local and regional production, along the lines of agro ecological principles and practices, as a potential tool to promote diversified healthy, safe and nutritious diets, eliminating as well the contamination of food with agrochemicals.** This also has a potential positive impact on **the sustainability of food systems, guaranteeing the rights of the next generations, and in the reduction of the consumption of ultra-processed and fast food,** linked to the increasing levels of obesity, and related non communicable diseases in the world. More recently, urban constituencies have joined the movement, bringing in contributions related to community supported agriculture, sustainable urban agriculture and solidarity economy.

Within this framework, the human RtAFN analytical tool can become much more powerful – as well as further developed – in the hands of a broader spectrum of social actors to address the most relevant social, political and economic determinants of the violations of this right and related rights, contributing to identify concrete joint actions, in collective advocacy for inclusive public policies, and contributing for the possible further unification of struggles against related abuses and violations.

THE CHALLENGE OF OVERCOMING THE POLICY FRAGMENTATION OF UN ORGANIZATIONS AND AGENCIES

In line with the fragmented conceptual approach to the reality of nourishment, food and nutrition, a number of legal instruments consider this issue from different angles, and their implementation is monitored by independent human rights treaty bodies and intergovernmental technical agencies dealing with different constellations of civil society organizations and social movements. For example, conflicts related to the governance of the access to and control over land and territories (including forests and fisheries) were brought to the center stage due to the upsurge in landgrabbing associated with the food price volatility crisis of 2008/09. The CFS, having as secretariat FAO, IFAD, WFP[13] and Bioversity, facilitated the approval of the Tenure Guidelines on Land, Forests and Fisheries.[14] However, the complaints of landgrabbing continue to be brought to the attention of the Committee for Economic, Social and Cultural Rights (CESCR), to the Special Rapporteurs on the Right to Food, and Rights of Indigenous peoples, and eventually to the Human Rights Council, but not to the CFS.

The situation of women´s and child rights in relation to the area of access to land, income, food and nutrition is even more fragmented. The rights of women to self-determination, to be protected against violence and discrimination of all kinds, including child marriage and right to access land, are dealt with by the CEDAW committee[15], UN Women, CESCR, FAO, IFAD, ILO, UNICEF, WHO[16], among others. However, their actions and recommendations appear to work independently. CEDAW is reluctant to deal with the full concept of the RtAF of women, and only tackles the issue from the perspective of discrimination, nutrition of pregnant or rural women. The right of mothers to breastfeed is indirectly referred to in CEDAW, but effectively treated in the Convention of the Rights of the Child (CRC)[17], and in WHO and ILO resolutions related to maternity leave and protection and promotion of breastfeeding. For children, the right to nutritious foods is mentioned in CRC as well, and worked more closely by WHO and UNICEF, as the right to nutrition, in a different approach from that used in the Rome agencies when dealing with the right to food.

Efforts have been made by CSOs and social movements to bring together the CESCR, CEDAW and the CRC committees, with limited success, to jointly discuss the different dimensions of issues related to nourishment, food and nutrition they deal with, with the objective of further integrating their activities and recommendations on related topics.

The CFS, in its process of reform in 2009, proposed to increase its scope to further integrate nutrition issues in its conceptual framework and discussions, under the pressure of civil society, and more recent integrated governance experiences in some countries as Brazil. However, despite the intentions, the CFS discussions have dedicated marginal attention to either the inclusion of nutrition in their priority agenda topics – which continue to be more related to agriculture and food production - or to the discussion of specific issues of nutrition.

12 DECLARATION OF NYÉLÉNI - Declaration of the Forum for Food Sovereignty, Nyéléni 2007. At: www.nyeleni.org/spip.php?article290 (visited on 26 August, 2014)

13 International Fund for Agricultural Development (IFAD), and World Food Program (WFP) accordingly.

14 CFS. Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. FAO, Rome, 2012. Available at: www.fao.org/docrep/016/i2801e/i2801e.pdf (visited on 07 August, 2014)

15 UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13, available at: www.refworld.org/docid/3ae6b3970.html [accessed 7 August 2014]

16 International Labour Organization (ILO). and World Health Organization (WHO) respectively.

17 UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: www.refworld.org/docid/3ae6b38f0.html [accessed 7 August 2014]

Perhaps due to not dealing with agriculture and nutrition by the same line ministries at the national level, very little policy coordination between these two areas is observed up to now.

This divide became clearer when the government missions in WHO and FAO decided to carry out the International Conference on Nutrition II (Rome, 2014), 22 years after the ICN I (1992), and did not involve the CFS in the process of preparation, and neither did the CFS propose to engage with it.

In this context, a growing challenge is the risk of corporate capture of the Global Food and Nutrition Governance space. The UN harmonizing mechanism of global Nutrition policies and programs, the UN Standing Committee on Nutrition (SCN), was basically dismantled in 2008-2009 in face of the resistance of CSOs to accept the inclusion of the private corporate sector as an additional constituency of the SCN. Since then, the attempts of corporate capture of the Food and Nutrition governance space have become more visible through the Scaling Up-Nutrition (SUN) initiative, the G8 New Alliance on Food Security and Nutrition for Africa[18], among others.

THE WAY FORWARD

More and more it becomes clearer that social movements, CSOs and human rights organizations must not accept the fragmentation of their lives, their dignity and of their struggles. People do not want to see their rights reduced, by fractured policies, to an unacceptable, fragmented and charitable minimum.. People do not want to exchange their self-determination for safety nets, their territories for conditioned cash transfers, and their healthy culturally adequate meals, eaten in family or community, for highly processed micronutrient “rich” products or genetically modified organisms (GMOs). People do not want to see the public space governed by private corporate interests.

FIAN´s contribution to advance this joint struggle is to promote a new conceptual framework for the promotion and protection of the **Human Right to Adequate Food and Nutrition**, imbedded in the evolving Food Sovereignty Framework and Women´s rights, with its related struggles, in collaboration with the Global Network for the Right to Food and Nutrition. In unison with other human rights organizations we must do our part and update our instruments to support the progressive unification of social struggles for human rights- based world society and food systems. Only together will we have the capacity to build a more equitable society based on the recognition of the indivisibility and diversity of human life. This new world is possible, despite the pessimistic forecasts of the powerful.

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18 See article by Yifang Slot-Tang in this edition.

A story

by Flavio Luiz Schieck Valente

Human life occurs in cycles, as most forms of life. And whatever happens in an earlier phase of the cycle will have influence in the remaining phases of the present cycle, as well as some influence over the next.

MARY

In an ideal world an educated woman in reproductive age, let´s say Mary, has the autonomy to define when and with whom to engage in sexual relations, whether she wants to reproduce, or whether she wants or not to adopt a child, in agreement with her partner, or without a partner. In this ideal world Mary would also be well informed about the risks of getting pregnant if she is still an adolescent. She would as well have had a healthy and active life up to then, probably exclusively breastfed until age 6 months of age, and partially breastfed until age 2, with adequate complementary feeding, in line with her family cultural patterns. Her mother decided to breastfeed, because she was well informed, and according to existing laws she and her partner had adequate parental leaves and societal support to do that without interfering too much with their lives and work. Mary lived in a comfortable house, provided with sanitation and water services. She ate well, and her family had always bought most of their food from local small scale producers, in a community supported agriculture scheme. She had access to good public education and health services throughout her life, and she had concluded her college studies and was already working when she considered having a baby and evaluated. Mary ended up having a very healthy baby, weighing 3 kg and 500 g, after a very uneventful pregnancy, with much love and care from her partner and family, adequate prenatal care, adequate diversified meals, a natural delivery and the cycle completed itself in a virtuous way.

Unfortunately, for billions of people in the world today, the story is very different, and the life cycle they are involved in is not at all virtuous, but leading to negative consequences for the majority of them and their descendants. This does not happen by fate. This is the result of “man-made” decisions imposed by a minority of wealthy and powerful industrialized countries, their big business partners, and the local elites spread throughout the world. This will only change through the coordinated mobilization of social forces for a human-made world in which decisions should reflect the interests of the majority.

MARIA

Maria was one of the surviving 5 children out of the 10 her mother had given birth to. She was the oldest one of them. Her parents previously had a small farm, in which they produced a diversity of crops and even had a small number of chickens, which laid eggs, and a cow. For 10 years they had resisted selling their land under the pressure of agro industrial interests, but then one day the government decided to

establish a Special Economic Zone, and despite resistance of the farmers, they were forcefully evicted. Now they lived in a slum, in the periphery of a large city, in a carton hut, surrounded by small rivulets of pestilent excrement, pulsating with rats. Her father disappeared 6 years ago, while looking for seasonal jobs, and her mother since then had to work as street cleaner during the day, and at night she worked as a prostitute for pennies. Maria had to stop studying when she was 7, to take care of her brothers and sisters, and she could barely read and recognize numbers. When she was 13, her mother brought a client to the house, they were both drunk and Maria ended up getting raped. This had not been the first time, but this time she had had her first menstrual period a few months before. Maria got pregnant. She starved during the pregnancy. She was small and skinny, just like her mother. Despite the support of the neighbors, Maria could not gain weight, because she had to share the food with her brothers and sisters, and with her baby still in her uterus. After 8 months, she gave birth to a very small 1700g baby, who died a couple of weeks later of pneumonia. Maria died a few days after the baby, of post-partum infection.

Women's rights as a unifying factor

by R. Denisse Cordova

Strengthening cross-movement alliances and having women's rights as a unifying central factor is fundamental in order to successfully address hunger and malnutrition. One organization that is bridging the divides while putting women's rights at the center of their work is ARROW[1] (Asian-Pacific Resource and Research Center for Women). ARROW is a regional non-profit women's non-governmental organization based in Kuala Lumpur that works to advance women's health, affirmative sexuality and rights, and empower women through information and knowledge, engagement, advocacy and mobilization. Furthermore through its work, ARROW seeks to explore the interdependence and indivisibility of all human rights. ARROW's most recent issue[2] of their publication ARROW for Change presented a gender- and rights-based analysis of poverty, food sovereignty and food and nutrition security, as well as the multiple ways in which the right to adequate food intersects with sexual and reproductive health and rights. Combatting the artificial fragmentations that have been created around these issues, through the work of organizations like ARROW and others, will enable a participatory social movement-led re-conceptualization of the right to adequate food, which will serve to unify the struggles and jointly address the associated ineffective policies against hunger and malnutrition.

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1 www.arrow.org.my

2 www.arrow.org.my/uploads/20140616121147_v20n1.pdf

Comida

Titãs (Brasil – 1987)

Bebida é água.
Comida é pasto.
Você tem sede de que?
Você tem fome de que?
A gente não quer só comida
a gente quer comida, diversão e arte.
A gente não quer só comida,
a gente quer saída para qualquer parte.
A gente não quer só comida,
a gente quer bebida, diversão, balé.
A gente não quer só comida,
a gente quer a vida como a vida quer.

Bebida é água.
Comida é pasto.
Você tem sede de que?
Você tem fome de que?
A gente não quer só comer,
a gente quer comer e quer fazer amor.
A gente não quer só comer,
a gente quer prazer pra aliviar a dor.
A gente não quer só dinheiro,
a gente quer dinheiro e felicidade.
A gente não quer só dinheiro,
a gente quer inteiro e não pela metade.
Bebida é água.
Comida é pasto.
Você tem sede de que?
Você tem fome de que?

Food

Drink is water
Food is pasture
What do you thirst for?
What do you hunger for?
We don't want only food
We want food, entertainment and art
We don't want only food
We want to get out for any place we want
We don't want only food
We want drinking, entertainment and ballet
We don't want only food
We want life as life wants it

Drink is water
Food is pasture
What do you thirst for?
What do you hunger for?
We don't want only to eat
We want to eat, and we want to make love
We don't want only to eat
We want pleasure to relieve the pain
We don't want only money
We want both money and happiness
We don't want only money
We only it as a whole and not as fraction
Drink is water
Food is pasture
What do you thirst for?
What do you hunger for?

8 Can the path towards human rights-compliant, holistic and sustainable food systems serve to unify social struggles?

Report on the seminar held in Geneva on June 24-26, 2014[1], *by Laura Michéle*

Corporate control over food systems, including food and nutrition governance, and the related agro-industrial model of food production pose major challenges for the realization of human rights and the right to adequate food and nutrition (RtAFN) in particular. They are linked to land grabbing and displacement, water and soil contamination, loss of biodiversity, climate change, inadequate working conditions and low wages, destruction of communities' social cohesion and rural exodus, intoxication of workers and surrounding communities, and a reduction in dietary diversity, safety and nutritional quality of food leading to hunger and different types of malnutrition, with their impact on health and quality of life.

To claim back control over the way and type of food that is produced, distributed and consumed, there is a need for a holistic approach that connects access to resources, women's rights, and children's rights, with a model of production based on peasant and ecological farming, adequate working conditions, and living wages. Greater focus needs to be placed on fair distribution processes that look at consumption, nutrition, health and quality of life from a human rights and food sovereignty perspective.

Social movements are already putting into practice – or proposing – human rights-compliant, holistic and sustainable food systems based on the realities of affected populations. For these systems to be effective, however, they must be able to respond to the needs and ensure the rights of the diverse sectors within the social movements. This requires the various constituencies to engage in dialogue and develop a joint diagnosis of where previous and current policies have gone wrong, as well as a common vision on the way forward.

Against this background, the Global Network for the Right to Food and Nutrition (GNRTFN)[2], through its secretariat FIAN International and with the support of key partners, organized a three-day seminar "Linking social struggles: Can the path towards human rights compliant, holistic and sustainable food systems serve to unify struggles?", from June 24 to 26, 2014 in Geneva. The seminar had the following objectives: (1) facilitate a holistic discussion on food systems (and food more generally) from a human rights, women's rights and food sovereignty perspective; (2) identify and build bridges between social struggles using human rights as unifying factor; and (3) develop a common vision of the food systems we want and identify steps on how these can be put into practice.

In line with its overall purpose to foster dialogue and build bridges among social struggles, the richness of the seminar consisted in the diversity of the people and organizations it brought together. These included social movements of small-scale food producers, food workers and indigenous peoples, human rights and women's rights organizations and activists, nutritionists and health professionals, and academics, all representing diverse struggles, experiences and perspectives.

By "looking through the various facets of the diamond to capture the whole", the seminar highlighted the importance of building bridges between the various civil society groups, as well as the need for orienting FIAN's work in the struggles on the ground.

The discussions confirmed that human rights, and in particular the right to adequate food and nutrition, can be a powerful tool for unifying social struggles. Already in the introductory session, human rights appeared as the connecting factor everyone supported. The overall question "can the path towards human rights-compliant, holistic and sustainable food systems serve to unify struggles?" was therefore, at least in principle, confirmed.

Several alliances between social struggles arose from the seminar. These included an alliance between civil society organizations, academia and medical doctors in Colombia; between indigenous groups, peasants, and fisherfolks in Panama; and an alliance between metal workers and peasant movements in Brazil[3] .

Regarding the importance of maintaining a holistic view of the problems we are facing, an important example highlighted throughout the seminar was women's human rights, including their sexual and reproductive rights. These rights are often looked at in isolation, rather than something concerning the whole and are a vital precondition for realizing the right to adequate food and nutrition.

The seminar presented the first step in a broader process of developing a common vision of the food systems we want (and do not want) and how these can be achieved by building on our diversity rather than focusing on our differences.

To keep the momentum and continue the dialogue, one of the concluding recommendations was to use and broaden existing global networks and structures, including the GNRTFN, the ETO-Consortium, the International Planning Committee for Food Sovereignty (IPC), and the Civil Society Mechanism of the Committee on World Food Security (CFS). In addition, new alliances need to be forged around specific processes and events, such as the Second International Conference on Nutrition (ICN2), the negotiations within the Human Rights Council on a binding treaty for Transnational Corporations (TNCs), the Post-2015 Millennium Development Goals/Sustainable Development Goals MDG/SDG process, and the negotiations between the CFS and the Principles for Responsible Agricultural Investment (RAI).

In order to achieve this, a series of workshops and a larger meeting in 2015 to look at specific issues and intersections from a holistic point of view are planned. Furthermore, one of next year's Nyéléni newsletter editions will focus on nutrition and food sovereignty, presenting yet another opportunity for building bridges between the food sovereignty and nutrition camps.

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1 The seminar was titled "Linking social struggles: Can the path towards human rights compliant, holistic and sustainable food systems serve to unify struggles?", organized by FIAN International and the Global Network on the Right to Food and Nutrition

2 See more on the GNRTFN: www.fian.org/what-we-do/issues/monitoringaccountability/global-network-for-the-right-to-food-and-nutrition

3 See article in this edition by Leandro Gaspar Scalabrin.

Can a food systems approach unite social struggles?

by Maryam Rahmanian

How can different social movements work together more effectively to reach common goals? Why haven't we been more united? Could we work together more cohesively if we had a more holistic view rather than tending to focus on our own specific issues? These were some of the questions raised at the seminar, "Linking social struggles: Can the path towards human rights compliant, holistic and sustainable food systems serve to unify struggles?", organized by the Global Network for the Right to Food and Nutrition (GNRTFN).

As the title of the seminar states, discussions focused on whether a food systems approach could serve to unify social struggles? The term "food systems" (and sometimes "sustainable food systems") is increasingly gaining ground in international policy circles, including the Committee on World Food Security and the post-2015 development agenda. Meanwhile civil society organizations and social movements call for strengthening "local food systems".

It is important to start with an understanding of where the term "food systems" comes from. For many advocates (especially from academia) the term is an attempt to get beyond a linear and sectorial (typically 'productionist') view of food and agriculture. They argue that the world is more complex than existing, linear approaches to science have led us to believe and that these approaches have resulted in a poor understanding of the environmental impacts of food systems, such as climate change. For example, in one influential model, food system activities, such as producing, processing, packaging, distributing, retailing, and consuming food, are linked with food system outcomes, such as food security, social welfare, and environmental welfare[1] (Ingram 2011).

Academic approaches to food systems, while recognizing the complexity of different parts of a larger system, fail to sufficiently recognize the competing incentives, interests and access to power of different actors. At the same time, a reason for the growing popularity of the term might be that food and agriculture related businesses are increasingly merging across sectors, which means the private sector needs to develop a more systemic understanding of the wider food system beyond traditional market sectors (for example, contemplating not just production but also processing and distribution).

It is clear there is no single objectively existing "food system". There are many different ways of conceptualizing food systems[2] (Sobal et. al. 1998) and each is shaped by the purpose that it seeks to serve (implicitly or explicitly). Therefore, it is important to ask what assumptions and values a specific food system supports and whose interests it serves. How we draw the contours around food systems, what we choose to include and not include, depends on how we see food: what role do we want food to play in society?

Existing models of food systems may be useful as a starting point, but models that incorporate power dynamics would be a more useful tool for the food sovereignty movement. The real test for any model of the food system is whether it presents a vision of the world that reflects the lived experiences of communities, social movements and activists.

A food system approach can help to unite struggles if we see food as a source of solidarity and to develop models of food systems which support this vision. How to develop holistic models of the food system? Certainly the participation of actors who are involved in different aspects of the food system is key – each brings their unique experiences and perspectives which together create a more comprehensive understanding of complex issues. The spaces we create for building alliances are important spaces of co-producing knowledge and analysis.

In addition to this, we have to ask ourselves whether relying solely on rational and intellectual knowledge will ever lead to understanding complex systems in a holistic way. The fragmentation between the various struggles and movements may be a reflection of deeper divisions in our psyches and in our societies, fundamental divisions in how we view the world. Including different ways of knowing, alongside rational knowledge, that rely on all our senses, all our intelligence and wisdom and include embodied and instinctive knowing, can lead us to appreciate a more complete spectrum of human experience.

For most of us, this is new and sometimes controversial and uncomfortable territory. Rational knowledge reigns supreme – even in movements fighting for social change and particularly among men. Small experiments, such as the one that closed the seminar, may be one way forward. Participants bid each other farewell by sharing songs and poems of personal and communal struggles. Through the songs and poems we were able to catch glimpses of parts of each other – and ourselves – that we normally keep separate from our professional lives. It felt as if a lot of energy was created which we can choose to direct towards joining our struggles. May the experiments continue!

Maryam Rahmanian has been a Research Associate at the Centre for Sustainable Development and Environment (CENESTA), an Iranian NGO, since 2001 where she initiated the programme on Participatory Plant Breeding. She has been involved with the International Planning Committee for Food Sovereignty since 2002 and has been the Vice Chair of the High Level Panel of Experts of the Commitee on World Food Security since 2010.

1 A food systems approach to researching food security and its interactions with global environmental change, John Ingram, Food Sec. (2011) 3:417–431

2 A conceptual model of the food and nutrition system, Jeffery Sobal, Laura Kettel Khan and Carole Bisogni, Sara S. Metcalf, Michael J. Widener, Soc. Sci. Med. Vol. 47, No. 7, pp. 853±863, 1998

10 The Peasant Plan in Brazil: an experience of solidarity between the countryside and the city, and of the unified struggle for the right to adequate food

by Leandro Gaspar Scalabrin

FIAN International, along with the members for *the Global Network for the Right to Food and Nutrition*, held a seminar in Geneva on 24 – 26 June with the aim of creating and strengthening social struggles for the development of sustainable and holistic food systems compatible with human rights.

It is our belief that human rights are not only present in the United Nations (UN), just as knowledge is not only present in academia or science, nor adequate food is only inside cans or packages. Human rights are born from land occupations, building barricades, resistance struggles, protests and strikes.

The Movimento dos Atingidos por Barragens, MAB, *(Brazilian Movement of Those Affected by Dams)* has participated in two consultations hosted by John Ruggie (the former UN Secretary General's Special Representative on Business and Human Rights) on business and human rights in Latin America, in the three most recent meetings of the Permanent Peoples´ Tribunal, and in the Brazilian National Human Rights Council´s working group on dams. Our involvement in these three spaces has demonstrated to us that despite human rights norms and mechanisms, despite the states, despite the efforts of businesses, experts and lawyers, these do not implement human rights. Actually, in the majority of cases, it is the struggles and campaigns of human right defenders and social movements that effectively implement human rights, and at times also put an end to human rights violations.

We firmly believe that effectively implementing the right to adequate food and food systems compliant with human rights will be achieved through the same channels. It was with this opinion that La Via Campesina participated in the seminar organized by FIAN International, where it affirmed that the right to adequate food represents a way to unite our struggles; and where we presented an initial experience presently taking place in Southern Brazil.

Currently, workers´ food supply is of extremely poor quality which, in turn, directly affects their health and quality of life. The majority of metal workers eat lunch at their workplace where the meal is provided by the employer and the food comes from the "food industry".

The Federação dos Trabaladores Metalúrgicos do Rio Grande do Sul, FTMRS, (*Metal Workers Federation of South Rio Grande,* a member organization of the Central Única dos Trabalhadores, CUT) is including in its negotiation guidelines clauses on the quality of workers´ meals, demanding that employers serve food products free from agrotoxics and be produced by peasants. The proposal emerged through a unique alliance between FTMRS and La Via Campesina, which has fostered solidarity among urban and rural workers: the joint struggle of peasants and workers for the right to adequate food.

The FTMRS has discussed food quality with workers, conducting an awareness-raising campaign on health and also on solidarity with peasants. La Via Campesina participates in workers' assemblies and organizes a healthy food production for the workers. The metal workers have already presented their guidelines to the companies; the next step is to carry out joint struggles to realize this right and solidify the alliance.

This joint social struggle began after La Via Campesina, along with the provincial government, managed to launch in Rio Grande do Sul the Peasant Agriculture Program (namely *'Peasant Plan'*), which plans to invest 100 million Reals (about 400,000 USD[1]) for healthy food production, transportation, processing, input production, creation of jobs, distribution centers and logistical structures. The program also foresees that this investment in peasant agriculture will benefit farmers who cultivate the land and urban workers as well, who will consume the healthy food produced progressively without agrochemicals.

In Rio Grande do Sul, it is estimated that the Peasant Plan would affect in 2013 and 2014 up to 15,150 peasant families associated with La Via Campesina[2], with the possibility of extending it for two more years to close to 94,000 families residents of the working-class areas, and 61,000 metal and food sector workers.

It is in this manner – by taking control of a healthy food production, along with the presence of the State through public incentive policies and the workers´ participation – in which we aim to unify these diverse struggles and different social movements around the demand for a sustainable food system based on human rights and adequate food; an adequate food that is the workers´ right and not a commodity.

This is a real-life experience on how the realization of the right to adequate food and human rights compliant food systems can be a way to unite our struggles; and, for this to be possible, rural and urban workers must work together, as the Brazilian poet Carlos Drummond de Andrade wrote:

Mãos dadas
Não serei o poeta de um mundo caduco
Também não cantarei o mundo futuro
Estou preso a vida e olho meus companheiros
Estão taciturnos mas nutrem grandes esperanças
Entre eles, considero a enorme realidade
O presente é tão grande, não nos afastemos
Não nos afastemos muito, vamos de mãos dadas.

(Hand in hand
I shall not be the poet of a senile world
Neither shall I sing the world of the future
I am bound to life and observe my companions
They look gloomy but nourish great hopes
Among them, I consider the vast reality
The present is so huge, let´s not drift apart
*Let us not drift apart too much, let us go hand in hand.***)**

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1 This is based on the currency exchange as of October 28, 2014.

2 This includes MAB – Movimento de Atingidos por Barragens – 2,500 families; MPA – Movimento dos Pequenos Agricultores – 6,400 families; MST – Movimento dos Trabalhadores Rurais Sem Terra – 5,500 families, MMC – Movimento de Mulheres Camponesas - 700 families, MTD – Movimento de Trabalhadores Desempregados - 50 families.

G8 New Alliance for Food Security and Nutrition in Africa

A Critical Analysis from a Human Rights Perspective

by Yifang Slot-Tang

Launched at the G8 Summit at Camp David in May 2012, the G8 New Alliance for Food Security and Nutrition in Africa (New Alliance) purportedly aims to raise 50 million people out of poverty by 2022 through private investment in agriculture. What are the concrete strategies behind this Public-Private Partnership involving G8 states[1], African governments and 150 companies, the majority of which are transnational corporations (TNCs)? What will be the impact of the New Alliance on small-scale farmers in Africa?

FIAN International published a fact sheet titled "G8 New Alliance for Food Security and Nutrition in Africa: A Critical Analysis from a Human Rights Perspective" in February 2014[2]. This fact sheet aims to answer the above-mentioned questions from the perspectives of human rights in general, and of the right to adequate food and nutrition (RtAFN) in particular. It also endeavors to provide a tool for civil society organizations to challenge the New Alliance and recall government obligations under the RtAFN.

The analysis, primarily based on the New Alliance Cooperation Frameworks for ten African states[3], reveals not only that basic human rights principles are ignored (characterized by non-participation of those most affected by hunger in drafting, emphasis on needs and interests of TNCs, and lack of human rights accountability), but that state obligations – which are at the core of human rights - are absent, despite the fact that the great majority of the States[4] involved in the New Alliance are state parties to the International Covenant on Economic, Social, and Cultural Rights. As state parties, these states (both African and other states where TNCs originate) are thus obliged under international law to respect, protect, and fulfill the RtAFN[5].

The fact sheet also includes that under the New Alliance, the role of the states is minimized to that of service providers for the private sector, creating favorable conditions for foreign investment/investors, instead of focusing on the groups most affected by hunger and malnutrition. Furthermore, the concept of food and nutrition security propagated by the New Alliance is dangerously narrowed down and equated with increased food production, while foreign investment in capital-intensive and export-oriented agriculture are proposed as solutions to the problems of hunger and malnutrition in Africa, thereby ignoring the complexity of the problems.

In addition, closer assessment of the Cooperation Frameworks related to agricultural inputs (especially seeds), land, social protection and income, and nutrition confirm the distorted policy commitments which serve to enable private corporations to dictate agricultural policy with the aim to advance their own interests rather than promote the food security and nutrition of affected populations, as clearly betoken in the selected policy indicators. As African countries commit to either cease the distribution of free seeds or harmonize national seed and related laws, large corporations are granted greater access to commercial seed markets or are given the necessary policy space to monetize seed production and distribution in these countries.

Consequently, success of the New Alliance is measured, among others, by increased use and sale of agro-industrial inputs. Overall, there is no indicator proposed to measure the envisaged reduction of poverty and hunger. With respect to land, the commitments made under the New Alliance will inevitably accelerate land acquisitions by private investors, thereby threatening (if not violating) the RtAFN of small-scale African food producers. Social protection measures which so far have remained primarily in the government domain will likely see increased private sector involvement. In addition, the strategy to increase income of small holders on the basis of improved inputs, direct employment in public-private partnership projects, and as contract farmers controlled by large corporations needs to be assessed carefully as it may jeopardize the ability of smallholders to feed themselves on the long-run.

To end, the New Alliance's simplistic understanding of nutrition results in the reduction of the nutritional dimension of food and nutrition security to mere caloric intake, neglecting thereby the importance of access to diverse and nutritious diets (in terms of quantity and quality), culturally-adequate food, protection of women's rights and their nutrition, as well as access to basic public services.

The fact sheet also provides a direct comparison of the New Alliance Cooperation Framework indicators and commitments with relevant human rights standards. FIAN strongly recommends those interested in the topic to read the full fact sheet.

FACT SHEET: *www.fian.org/library/publication/detail/g8_new_alliance_for_food_security_and_nutrition_in_africa_a_critical_analysis_from_a_human_rights*

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1 The G8 states are: Canada, France, Germany, Italy, Japan, Russia, United Kingdom, United States.

2 www.fian.org/fileadmin/media/publications/2014_G8NewAlliance_screen.pdf

3 These countries are Benin, Burkina Faso, Ethiopia, Ghana, Ivory Coast, Malawi, Mozambique, Nigeria, Senegal, and Tanzania.

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

5 In addition to the International Covenant on Economic, Social, and Cultural Rights, the RtAFN is also mentioned or implied in many international as well as regional human rights standards, such as the Universal Declaration of Human Rights (Art. 25) and the African Charter on Human and People's Rights (Art. 16 ad 18), but also in some national legislations (e.g. Nigeria and Senegal).

12 Women's and Children's Rights and the Right to Adequate Food and Nutrition

Documenting the Impact of Mining and Displacement on Women and Children in Essakane

by R. Denisse Córdova Montes and Kossiwavi A. Ayassou Sawadogo

THEORETICAL AND CONCEPTUAL FRAMEWORK

Understanding the links between women's rights and children's rights is fundamental when addressing violations of the human right to adequate food and nutrition. Respect, protection and fulfillment of the right to adequate food and nutrition of children depend upon the understanding of the unique intertwined relationship between women and children during pregnancy, childbirth, breastfeeding and young child feeding stages, which must be framed through the lens of women's fundamental human rights, including their right to self-determination and sexual and reproductive rights, throughout their life spans as individuals and not just as future mothers.

Food and nutrition insecurity, malnutrition, and violations of the right to adequate food and nutrition are intrinsically linked to gender-based violence and discrimination, the lack of attention to women's roles in the food system, and violations of women's rights from the moment in which food is produced to the moment it is eaten and digested, and transformed into nutritional well-being across the life cycle. In line with this conceptual framework, the development of a methodology to document and understand the links between women's rights, children's rights, environmental rights and the human right to adequate food and nutrition is currently underway. The study has the purpose of informing the actions of communities who have been affected by mining and displacement, through the development and implementation of a specific methodology for the case of Essakane in Burkina Faso.

GOLD MINING IN ESSAKANE, BURKINA FASO

Since 2009, the Canadian investor Iamgold has held mining rights for an area of about 10,000 hectares in Essakane, in the North of Burkina Faso. As a result of the expanding mining activities in Essakane, local communities – composed of approximately 2500 households, adding to about 11,500 men, women and children – have been displaced and resettled in other areas outside the perimeters of the mining grounds. Following this displacement, their houses, fields and livelihoods have been subsequently destroyed. While FIAN International and FIAN Burkina Faso have accompanied the communities in their efforts to demand their right to adequate food and nutrition since 2009; it is only recently that the documentation of the situation of the communities' women and children, and more specifically their nutritional situation, has been a specific focus.

DEVELOPMENT OF THE METHODOLOGY

With the aim of capturing the perspectives of women on the impact of mining and displacement on their communities' right to adequate food and nutrition, in particular on violations related to the malnutrition of children, information about the social determinants of malnutrition, and indirectly measuring malnutrition and food insecurity amidst community households, a methodology composed of qualitative and quantitative tools was developed by FIAN Burkina Faso and FIAN International between February and May, 2014. A qualitative tool – a semi-structured focus group discussion guide – to gather the perceptions of women in regards to the impact of mining and displacement on hunger, malnutrition of children, women's rights, children's rights, the environment, and strategies put forward by women to overcome these challenges was first developed. Secondly, with the purpose of acquiring information about the social determinants of malnutrition and indirectly measuring malnutrition and food insecurity, the team developed a quantitative tool composed of five individual questionnaires with closed- and open-ended questions aimed at gathering information about (1) household composition, (2) socio-economic status, (3) women's health and rights, (4) infant and young child feeding practices and (5) water and sanitation.

IMPLEMENTATION OF METHODOLOGY

In April 2014, community meetings that included women and men community representatives as well as other community women from each of the six displaced communities of Essakane were held to discuss the methodology and aims of the project. Following these community meetings, 10 women belonging to 10 different households who fulfilled the selection criteria of having a child between the ages of 6 and 59 months were randomly selected to participate in focus group discussions from a list of volunteer households from each of the six displaced communities. During a two-week span in May 2014, a total of six separate focus group discussions were carried out – one in each of the six communities – with a total of 60 women participants overall. At the conclusion of each focus group discussion, three women that participated in each of the focus group discussions were randomly selected to participate in in-depth interviews to be performed at a later point in time. During the first two weeks of June 2014, in-depth interviews where the five quantitative questionnaires were administered were carried out with the selected women from each of the communities. Due to a number of factors that were beyond the control of the interviewers, only 15 women from five out of six communities were able to complete all five of the questionnaires.

NEXT STEPS

Currently, the quantitative and qualitative information gathered is being analyzed and a preliminary analysis was ready in September 2014. At this time, an initial presentation and consultation was done with women from the six communities and their representatives. The aim of this consultation process was twofold: (1) to acquire their input as to the initial analysis that has been conducted, in particular the interpretation of the qualitative information that was gathered; and (2) that communities may begin exploring ways in which the information gathered and analysis could inform their future case strategy and activities in regards to their demands for the realization of the right to adequate food and nutrition of women and children in their communities.

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Sawhoyamaxa and the Path towards Dignity

by Julia Cabello Alonso

In June 2014, the indigenous community Sawhoyamaxa of the Enxet people achieved a landmark decision in the long struggle for the recognition of indigenous peoples´ rights. The Sawhoyamaxa were granted the restitution of the 14,404 hectares which the community had been fighting to reclaim as their own for over 20 years; in 2006, the Inter-American Court of Human Rights had determined that the land legally belonged to the Sawhoyamaxa people[1]. This concession was achieved through expropriation, which was implemented for the first time on indigenous lands in Paraguay´s history as a democracy.

The Sawhoyamaxa were forced to undergo over 20 years of bureaucratic processes to determine and finalize the 1991 decision confirming that this land does indeed belong to the Sawhoyamaxa where they were born and their ancestors died; that they had been forced off this land entirely against their will; and that this land was stolen from them by the very State that is supposed to protect them, by the State that also systematically violated their rights for years and allowed them to subsist in conditions of extreme poverty.

The recent sentence of the Inter-American Court of Human Rights (IACHR) demands that the State acknowledges "[t]he culture of the members of the indigenous communities directly, [as it] relates to a specific way of being, seeing, and acting in the world, developed on the basis of their close relationship with their traditional territories and the resources therein, not only because they are their main means of subsistence, but also because they are part of their worldview, their religiosity, and therefore, of their cultural identity"[2]. Furthermore, the right to land is recognized as necessary in order to guarantee cultural means of subsistence, food, and work, as land is "closely linked to their oral expressions and traditions, their customs and languages, their arts and rituals, their knowledge and practices in connection with nature, culinary art, customary law, dress, philosophy, and values. In connection with their milieu, their integration with nature and their history, the members of the indigenous communities transmit this non-material cultural heritage from one generation to the next, and it is constantly recreated by the members of the indigenous groups and communities"[3].

In Paraguay the poverty index is 49%[4] which includes the country´s indigenous population. The circumstances of the Sawhoyamaxa people do not differ much from that of other indigenous communities who live in a permanent state of crisis. On the other hand, massive indigenous mobilizations are a recent phenomenon, different from those organized by the peasant majority that paralyze the country with their frequent protests against the State for land dispossession, its lack of response to problems, the undisguised privileges granted to powerful groups, among other just claims. The Sawhoyamaxa are also up against the powerful ranching sector, along with the agricultural sector, which are the foundation of the national economy.

The owners of the territory claimed by the Sawhoyamaxa were unable to quell the cries of indigenous people for justice. They had put forth weak legal arguments that were nevertheless highly persuasive for corrupt politicians in direct representation of powerful sectors.

Therefore, the act of restitution is a novel event. The Sawhoyamaxa people inspired national and international sympathy to an unexpected degree. They overcame borders and managed to have thousands of people who identified with their struggle and with a reality entirely unfamiliar to them. And most importantly, the Sawhoyamaxa took control of their own situation and decided to not take any step back. Thus, the historic moment was not actually the June 2014 decision, but rather when the Sawhoyamaxa crossed the wire fence of injustice keeping them off their lands for years. During the early hours of 21 March 2013, men, women, children and elderly of the Sawhoyamaxa community reoccupied their land, entering into "private land" to then continue waiting for the State to fulfill its obligation to restitute this land that had always belonged to the Sawhoyamaxa. In this manner, they forced a de facto situation, where the State was forced to respond by restituting the community´s lands, or by postponing this process again in favor of the ranchers, while under the watchful eye of the international community - a highly questionable dilemma for the State of Paraguay.

By reoccupying the lands, the national and international platforms in support of the indigenous cause forced the Paraguayan government to act. Messages of support and sympathy were arriving from all over the world, demands for land restitution increased, and the visibility of the case grew to a point that the State of Paraguay could no longer continue denying restitution or avoiding its responsibility to this indigenous community.

At Tierraviva, we have worked on this case for over 20 years. We are proud to have been witnesses to and participants in this struggle, which not only resolves the Sawhoyamaxa case, but also sets an extremely valuable standard for the indigenous movement in the region. The unsubstantiated excuses used to hinder indigenous rights have now been addressed by the supranational court whose competency is acknowledged by the majority of Latin American countries. The rational exploitation of the land, private ownership, commercial treaties protecting investors, and the non-physical ownership of land are refuted and rejected when dealing with a subject as sensitive as the cultural and physical existence of an indigenous community.

Paraguayan society should proudly claim and defend its multiculturalism. Indigenous and non-indigenous peoples demand the opportunity to live in a State that recognizes its peoples´ differences and guarantees those rights that have been systematically violated. As protagonists of our history, we work toward this goal. And while this path will be challenging, there is proof that it has been and can be done. The Sawhoyamaxa have shown us the way.

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1 Case of the Sawhoyamaxa indigenous community vs. Paraguay , IACHR sentence 2006.

2 I/A Court H.R., Case of the Yakye Axa Indigenous Community v. Paraguay. Merits, Reparations and Costs. Judgment of June 17, 2005. Series C No. 125, par. 135.

3 Ibid, par. 154.

4 Data provided by media, according to the World Bank www.lanacion.com.py/articulo/166819-ndice-de-pobreza-de-paraguay-es-de-los-mas-altos-de-latinoamerica.html

14 Reclaiming People's Sovereignty in an era of Corporate Power

by Brid Brennan

A Week of Mobilization activities organized in Geneva during the last week of the United Nations Human Rights Council (UNHRC) Session from June 23–27, 2014 was convened by a broad range of social movements, campaign networks and civil society organizations (CSOs) from around the world.[1] A symbolic concluding event of the week, namely the Impunity Tour, started from the Broken Chair in front of the United Nations (UN), wound its way through streets which are home to the headquarters of Global Corporations and ended in front of the World Trade Organization (WTO). The narrative of this Impunity Tour was the projection of growing global resistance to the corporate power regime.

In a sense we can say three key protagonists were very present in Geneva during the Week of Mobilization: Social movements and their struggles to Reclaim People's Sovereignty in the areas of binding regulations on Transnational Corporations (TNC) and the demand for a human rights-based system for food; the member States of the UNHRC: and, the corporate sector in its shadow presence inside the UN or in its imposing headquarters in Geneva. Both outside the UN (in the Hearing of the Permanent Peoples Tribunal and in the Food, Nutrition and Extraterritorial Obligations (ETO) Conference) and inside the UN (in oral statements, side meetings and engagements with Permanent Missions), an urgent need for Binding Obligations on the operations of TNCs was agreed. But this focus was not only concentrated in Geneva. In the months ahead of the UNHRC Session, civil society organizations and human rights networks engaged with their governments in national capitals. This combined effort resulted in 610 organizations and 400 individuals from 95 countries signing the *Treaty Alliance's* "Call on the UNHRC to start developing a Treaty to tackle corporate human rights violations"[2]. Then on June 26 the UNHRC passed the historic resolution[3] mandating an open ended Inter-Governmental Working Group (IGWG) to develop a Binding Treaty on TNCs and other businesses within a two-year timeframe.

CORPORATE POWER ENTRENCHED – AN ARCHITECTURE OF IMPUNITY

These events in Geneva, however, are unfolding in a broader context and conjuncture. Over the past forty years an elaborate 'architecture of impunity' and system of legal protections have been put in place for the operations of TNCs. This asymmetric normative framework grants TNCs "super rights" through Lex Mercatoria (the legal instruments privileging the interests of investors) such as Free Trade Agreements, Bilateral and Plurilateral Investment Treaties, the majority of which include an ISDS mechanism (investor-to-state dispute settlement mechanism that allows corporations to sue governments). The global International Financial Institutions (IFIs), the International Monetary Fund and the World Bank and their policy prescriptions, as well as those of the WTO, also have their role in this architecture of impunity.

Despite the corporate track record of systemic and systematic violations of the range of human rights and people's rights (such as those cases presented in Geneva)[4], the efforts to establish legally binding obligations and an instrument of enforcement within the UN system have been defeated by determined corporate opposition and complicity of governments. The current Guiding Principles developed by the former Special Representative of the UN Secretary General, John Ruggie, do not create "any new international legal obligations" and are therefore non-binding.

By contrast, these Lex Mercatoria juridical instruments are binding and have enforcement mechanisms – such as the WTO's Dispute Settlement Mechanism (where governments check and sue each other on compliance with trade liberalization put in place by corporate lobbies and demands) or the World Bank's International Centre for Settlement of Investment Disputes (ICSID), where corporations sue governments and are frequently rewarded with megacompensation. In 2013, the ICSID fined the Ecuadorian government US$2.3 billion for ending the contract of a foreign company, even though the latter had first breached its contract with the government of Ecuador. The amount levelled against Ecuador represents 59% of the country's 2012 annual budget for education and 135% of the country's annual healthcare budget.[5]

The international Human Rights system, on the other hand, does not have a binding Treaty on TNC operations and, even less, an enforcement mechanism to address corporate crimes or offer remedy and justice to affected communities. Instead, the UN Guiding Principles on Business and Human Rights promote voluntary guidelines through a Corporate Social Responsibility (CSR) framework as imprecise responses to human rights violations and corporate crime.

CORPORATE POWER EXPANDED – THE GLOBAL REDESIGN INITIATIVE

Corporate capture does not end with Trade and Investment Agreements privileging TNCs over the responsibilities of states to their citizens. Corporate capture operates at the core of our democratic system. This is elaborated in the Global Redesign Initiative (GRI), a Report commissioned by the World Economic Forum (WEF) published in 2010 – Everybody's Business: Strengthening International Cooperation in a more Interdependent World. The GRI is a determined corporate attack on the democratic functioning of the state for the public interest.

1 Co-convenors: Treaty Alliance, Campaign Dismantle Corporate Power and Stop Impunity, ESCR-net, Friends of the Earth International (FOEI), World March of Women, FIAN International, Transnational Institute, Franciscans International, Working Group on Investment in the Americas, Plataforma Interamericana de Derechos Humanos Democracia y Desarrollo (PIDHDD), Oidhaco (Oficina Internacional de Derechos Humanos Acción Colombia), Social Movements for an Alternative Asia (SMAA), Comité pour l'Annulation du Tiers Monde (CADTM), ODG (Observatorio de la Deuda en la Globalización) Catalunya, OMAL (Observatorio de Multinacionales en América Latina), Ecologistas en Acción, Polaris Institute Canada, Institute for Policy Studies (IPS), Global Economy Project, Alternative Information & Development Center (AIDC) South Africa, Col.lectiu RETS Catalunya, WoMin (Women in Mining) South Africa, Centre for Trade and Policy Development in Zambia, Tax Justice Network - Africa in Kenya, Jubilee South-Asia Pacific Movement on Debt and Development, Alyansa Tigil Mina (ATM) Philippines, SENTRO Trade Union Center Philippines, ATTAC Japan, Migrant Forum Asia, Transnational Migrant Platform, Platform of Filipino Migrants in Europe, Focus on the Global South, EU-ASEAN FTA Campaign network, Corporate Europe Observatory (CEO), War War on Want, Stop the Wall Campaign and Palestinian National Boycott, Divestment and Sanctions Committee (BNC), International Network of Human Rights.Comité du Forum Social Lémanique, ATTAC Switzerland, SolidaritéS, Coordination Climat Justice Sociale, CETIM, L'Autre Syndicat, UNITERR.

2 See www.stopcorporateimpunity.org/?p=5463

3 The UNCHR Resolution "elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights", UN Doc. A/HRC/26/L.22/Rev.1, 25 June 2014 available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/26/L.22/Rev.1

4 Cases included Chevron in Ecuadorean Amazon, Shell in Nigeria, Glencore in several countries (the Philippines, Zambia, Democratic Republic of Congo, Peru and Colombia), Pacific Rim in El Salvador, Lonmin in South Africa, Coca-Cola in Colombia, Mekorot in Palestine and Hidralia in Guatemala.See www.stopcorporatepower.org

5 www.tni.org/article/state-corporate-power#2

In the GRI, the global leading economic class represented in the WEF leaves no doubt they know best how to govern the global economy as well as our daily lives: "governing today is no longer a matter for government alone…governments' basic 'public functions' have been redefined…hence the challenge is how to re-invent government as a tool for the joint creation of public value". The WEF sees the solution in a "multi-stakeholder" form of governance consisting of corporations, government and selected civil society, but mainly of corporations.[6]

This radical threat to democracy is also underlined by Susan George in her State of Corporations article[7]: "It's not just their size, their enormous wealth and assets that make the TNCs dangerous to democracy. It's also their concentration, their capacity to influence, and often infiltrate, governments and their ability to act as a genuine international social class in order to defend their commercial interests against the common good".

It is such corporate decision and policy making power that has until now ensured the defeat of the efforts in the previous decades of the 70s and 90s to place binding regulations on TNCs.

EMERGING NEW CONTEXT AND CONJUNCTURE

However, while corporate power has grown exponentially and has been able to entrench its privileges in seemingly copper-fastened legal frameworks, a significant if tentative new conjuncture has emerged. This new conjuncture includes a broad spectrum of social movements, strong campaigns of affected communities, as well as some governments of the South (those fundamentally reviewing Investment Treaties, withdrawing from ICSID and voting for a Binding Treaty). This is contributing to build a new momentum towards confronting corporate power and working to construct a Binding Treaty with an enforcement instrument on TNCs.

As the convening of the IGWG begins to take shape in Geneva, the movements, networks and organizations who shared the victory of the historic UN Resolution in June in Geneva and around the world are also gearing up their strategies of engagement. The Global Campaign to Dismantle Corporate Power and Stop Impunity[8] has launched an International People's Treaty as a process to facilitate broad popular mobilization and participation. This process sees people's movements as key protagonists in the re-making of law from below and in building the economic, political and cultural alternatives which will make a difference in people's daily lives.

Going forward also within the framework of the Treaty Alliance, a priority will be engagement with the IGWG trajectory over 2015 and 2016 in the challenge of delivering a robust and meaningful Treaty of Binding Obligations on TNCs and other businesses with an enforcement mechanism that can deliver long delayed justice to affected communities and ensure an end to corporate impunity.

Everyone knows the stakes are high and the opposition and contestations will be many in this historic confrontation with corporate power. Moreover this is a challenge which demands a new convergence of movements and networks strengthened in the determination to re-claim People's Sovereignty over corporate power and combining joint strategies both in Geneva and in Member States.

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Ten-year anniversary of the Right to Food Guidelines – *Resources*

In November 2004, the FAO Council adopted the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security[9]. The ten-year anniversary in 2014 has been seized by the Global Network for the Right to Food and Nutrition[10] and other civil society organizations and social movements as an opportunity for stocktaking and, more importantly, to call for renewed commitment by governments, United Nations agencies, civil society and other stakeholders, for the full realization of the Right to Adequate Food and Nutrition.

Here are some of the resources on the occasion of the 10-year anniversary of the Right to Food Guidelines:

- *The Right to Food and Nutrition Watch 2014* – This year's edition of the Watch titled *Ten Years of the Right to Food Guidelines: Gains, Concerns and Struggles* turns the spotlight to this important instrument, reflecting on some of the major successes and obstacles in the path toward the realization of the right to adequate food and nutrition for all.

- *Civil Society Synthesis Paper "10 Years of the Right to Food Guidelines - Progress, Obstacles and the Way Ahead"* - Civil society and social movements contributing to the promotion and defense of the human right to adequate food and food sovereignty have embarked on a critical assessment of where we are now in the struggle for solidifying the human right to adequate food and nutrition and what is the road ahead.

- *Video "The Right to Food: A Peoples' Struggle"* – The ten-minute video includes interviews with representatives of social movements, civil society organizations and government and portrays people as rights-holders with a crucial power and role to claim their human right to food and turn it into a reality.

Find all these resources at www.fian.org/10-years-rtf-guidelines

6 Read further about this in: www.tni.org/sites/www.tni.org/files/download/state_of_davos_chapter.pdf

7 See: www.tni.org/sites/www.tni.org/files/download/state_of_corporation_chapter.pdf

8 The Campaign was launched in June 2012 with its call to International Action for the Economic, Political, Cultural and Environmental Sovereignty of our Peoples. See www.stopcorporateimpunity.org

9 See www.fao.org/docrep/009/y7937e/y7937e00.htm

10 For more information, see www.fian.org/en/what-we-do/issues/monitoringaccountability/global-network-for-the-right-to-food-and-nutrition

Global Strategic Framework (GSF)

- Using the Global Strategic Framework for Food Security and Nutrition to Promote and Defend the People's Right to Adequate Food
  www.fian.org/library/publication/detail/using_the_global_strategic_framework_for_food_security_and_nutrition_to_promote_and_defend_the_peopl
- The Human Right to Adequate Food in the Global Strategic Framework for Food Security and Nutrition
  www.fian.org/library/publication/detail/the_human_right_to_adequate_food_in_the_global_strategic_framework_for_food_security_and_nutrition

Country reports

- Parallel Report on Austria
  www.fian.org/library/publication/detail/parallel_report_austria
- Parallel Report on Norway
  www.fian.org/library/publication/detail/the_right_to_adequate_food_and_the_compliance_of_norway_with_its_extraterritorial_obligations_on_esc
- Parallel Report on Belgium
  www.fian.org/library/publication/detail/parallel_report_belgium
- Report on the status of the Right to Food in Colombia 2013
  www.fian.org/library/publication/detail/third_report_on_the_status_of_the_right_to_food_in_colombia
- Monitoring Report on Land Policies and the Right to Food in Ecuador 2013
  www.fian.org/library/publication/detail/monitoring_report_on_land_policies_and_the_right_to_food_in_ecuador_2013

Women and the Right to Food

- Harvesting Hunger – Plantation Workers and the Right to Food
  www.fian.org/library/publication/detail/harvesting_hunger_plantation_workers_and_the_right_to_food
- Women agricultural workers and the right to adequate food and nutrition
  www.fian.org/library/publication/detail/women_agricultural_workers_and_the_right_to_adequate_food_and_nutrition
- Right to Food of Women from a Gender Perspective (Ecuador)
  www.fian.org/library/publication/detail/report_on_the_right_to_food_for_women_from_a_gender_perspective
- Report on the Right to Adequate Food of Women in India
  www.fian.org/fileadmin/media/publications/CEDAW_paralell_report_India_2014.pdf

Extraterritorial Obligations

- Twelve reasons to strengthen extraterritorial human rights
  www.fian.org/library/publication/detail/twelve_reasons_to_strengthen_extraterritorial_human_rights
- 14 Misconceptions about Extraterritorial Human Rights Obligations.
  www.fian.org/library/publication/detail/14_misconceptions_about_extraterritorial_human_rights_obligations

Investment

- In need of a Policy Shift: Investing in Agricultural Alternatives
  www.fian.org/library/publication/detail/in_need_of_a_policy_shift_investing_in_agricultural_alternatives
- Fast track agribusiness expansion, land grabs and the role of European private and public financing in Zambia – A right to food perspective
  www.fian.org/library/publication/detail/latest_study_questions_the_role_of_european_investments

Focus on Latin America

- Report of the Case of Marina Kue and the "Curuguaty Massacre": analysis of the land conflicts and criminalization of peasant movements in Paraguay
  www.fian.org/library/publication/detail/report_of_the_case_of_marina_kue_and_the_curuguaty_massacre
- El Derecho a la Alimentación – Acciones y Omisiones Del Estado: Monitoring of the Rulings in the Child Malnutrition Case in Camotán, Guatemala
  www.fian.org/library/publication/detail/el_derecho_a_la_alimentacion_acciones_y_omisiones_del_estado

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FIAN International is the international human rights organization that advocates the realization of the right to food. We are a public interest civil society non-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.

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