

COUNCIL MONITOR

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COUNCIL UPDATE – ITEM 3, PANEL ON THE RIGHT TO FOOD HUMAN RIGHTS COUNCIL, 10TH SESSION 9 MARCH 2009

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Overview

The panel discussion on the right to food took place on the morning of 9 March 2009. In her opening remarks to introduce the segment, the High Commissioner for Human Rights, Ms Navanethem Pillay, briefly outlined the implications of the global food crisis to frame the context of discussion. Ms Pillay underscored the need to protect marginalised segments of society, particularly the rural and urban poor, and urged the inclusion of the human rights dimension to any national or international food security strategy.

The expert panel was made up of:

- Mr Paul Nicholson, who appeared as a representative for Via Campesina – an international movement connecting farmers around the world – and offered a ‘peasant’s perspective’ to the discussion;
- Ms Andrea Carmen, who represented the International Indian Treaty Council and drew attention to the impact of the food crisis on indigenous populations;
- Mr David Nabarro – the co-ordinator of the Secretary General’s High Level Task Force on the Global Food Security Crisis;
- Mr Jean Ziegler – a member of the Human Rights Council’s Advisory Committee but who spoke in his personal capacity; and
- Mr Olivier De Schutter – the Special Rapporteur on the right to food.

The President of the Council invited each expert to make opening remarks before receiving comments and questions from States and NGOs. Discussion turned on the following points of interest: the need for a co-ordinated global response, reforming the international framework where necessary; and the impact of the right to food on other rights, particularly those of vulnerable groups.

Opening comments from the panel

In his introductory remarks, Mr Nicholson attributed the ongoing food crisis to the increasing privatisation of market control elements allowing transnational companies to speculatively dictate prices. He stressed the need to develop policies based on the recognition of ‘food sovereignty’ – the right of people to define their own food and agricultural system. Though Mr Nicholson underscored the need for governments to address their domestic food situations as a matter of priority, he called for a greater devotion of international forums to the issue so as to facilitate regional and global cooperation. Notably, he expressed support for a new international convention on the rights of peasants to secure economic and cultural rights of peasants and prevent rural exploitation.

Ms Andrea Carmen reiterated Mr Nicholson’s call for an approach based on ‘food sovereignty’ as the means to tackle the food crisis. Ms Carmen explained that hunger was disproportionately high for indigenous people and stressed the threat climate change posed to traditional lands. She characterised contamination of these lands as a human rights violation and criticised investment in bio-fuels for, what she described as, a consequent rise in food prices and displacement of people due to plantations.

Mr David Navarro explained that the office of the UN Secretary-General had set up a mechanism to co-ordinate various facets of the efforts of the UN system and international economic institutions, including the WTO and OECD, to address concerns surrounding the availability of and access to food. Mr Navarro emphasised the need for organisations to act together and stressed the need to maintain financing for initiatives undertaken by the Secretary General’s High Level Task Force to address food security.

In his opening comments, Mr Jean Ziegler outlined what he considered to be three core issues raised by the food crisis: the crippling debt of countries in the Global South; the plight of ‘hunger refugees’ – persons fleeing hunger; and irresponsible speculation in food commodities. Mr Ziegler argued that the incapacitating debt obligations of poor countries precluded them from investing in agriculture, which, when combined with the dumping of subsidised agricultural products from developed countries, had generated ‘refugees from hunger’. Mr Ziegler asserted that since the financial crisis, ‘predatory hedge funds had migrated from the stock exchange to the commodity exchange’ and called for such speculation in key markets to end. To conclude, Mr Ziegler reminded States of their extraterritorial obligations under the *International Covenant of Economic, Social and Cultural Rights* (ICESCR) and urged them to act with consistency in respect of the right to food, including with regard to voting in other UN forums to match their rhetoric in the Council.

Mr Olivier De Schutter, the Special Rapporteur on the right to food, argued that hunger stemmed from a lack of purchasing power for the poor rather than a mere lack of food. He underlined the importance of adopting national strategies and framework laws to empower courts to monitor the right to food, holding governments accountable where appropriate. Additionally, Mr De Schutter stressed the need to protect the rights of agricultural workers by ensuring they were protected by relevant International Labour Organisations (ILO) conventions and safeguarding peasants’ right to land currently threatened by large-scale acquisition by transnational corporations.

Debate

The need for a co-ordinated global response

In the interactive dialogue, a number of States echoed the call for greater international co-operation in formulating a response to the food crisis.¹ In this regard, Pakistan (on behalf of the OIC), Yemen (on behalf of the Arab Group) and China urged developed countries to step up their cooperative efforts in furthering their aid commitments to the developing world, particularly to agricultural sectors – an issue which Mr Navarro assured the Council his task force had established as a goal. However, many States focused on the need to reform the global financial and trade institutions to address the systemic problems that had allowed the situation to develop to such drastic levels.

¹ Cuba, Brazil, Ethiopia, Iran, Senegal, Indonesia, Arab Group, Turkey.

Pakistan (on behalf of the OIC), Chile (on behalf of GRULAC), Brazil and Luxembourg proffered the need to equalise the prices consumers pay to those the farmers receive by reducing price volatility in the commodity market - a problem which Mr Nicholson, Mr Navarro and Mr De Schutter acknowledged as being at the root of the lack of purchasing power for agricultural workers. In this regard, Cuba (on behalf of the NAM) and Luxembourg questioned the panel on UNCTAD initiatives seeking to stabilise prices in important commodity markets. In response, Mr Ziegler outlined UNCTAD's plan to take the trading of corn, rice and wheat out of the world market and provide them as public goods – effectively free from volatile fluctuations. Mr Ziegler expressed his view that this proposed structural change was the only one which could stabilise prices for basic food products. Mr Navarro assured the Council that, though consultations with member States were still ongoing, creating a shock-resistant international framework was a priority of his task force. Interestingly, Pakistan (on behalf of the OIC) also suggested the idea of a global social security fund to provide for vulnerable groups but the suggestion generated no further discussion.

In respect of trade, the World Trade Organisation (WTO) explained that governments seeking to pursue food self-sufficiency may undermine the acquisition of purchasing power fundamental to fighting hunger. Accordingly, the speaker argued that trade liberalisation would be an important tool in achieving food security. As the notion seemingly conflicted with his argument for 'food sovereignty', Mr Nicholson sought to justify it by clarifying that food sovereignty did not mean self-sufficiency but rather conferred responsibility upon governments to prioritise local food supply. Mr Ziegler was critical of the comments of the WTO however as he referred to the recent failure of the Doha Round to support his claim that export subsidies and commodity market dumping were still prevalent.

The impact of the right to food on other rights, particularly those of vulnerable groups

The rights of agricultural workers and indigenous people were raised in the opening remarks of Mr Nicholson and Ms Carmen respectively. As the interactive dialogue progressed, the economic rights of agricultural workers, particularly those in developing countries, were substantially addressed while the rights of indigenous people specifically affected by the food crisis did not generate as much discussion.

In a joint statement, CETIM echoed the comments of Mr De Schutter and implicitly supported Mr Nicholson's advocacy of a new convention for the rights of peasants by urging support for an Advisory Committee study on farmers' rights. Another NGO, the Europe Third World Centre, was notable in its characterisation of small scale family farmers as the most vulnerable victims of the crisis. Bangladesh was notably critical of investment in bio fuels at the expense of food, arguing it impinged the economic rights of rural workers and forced economic migration. The Europe Third World Centre reiterated Mr De Schutter's warning of the threat posed by transnational organisations who they stated had 'a stranglehold on economics and politics', depriving farmers of their land rights. In his response, Mr Nicholson affirmed this statement and went on to explain that the increase in conflict between peasant agriculture and corporate agriculture required greater efforts to promote local development.

The connection between the right to food and the right to land was expressly addressed by Switzerland, Algeria and Indonesia while Senegal and Bangladesh acknowledged it by drawing attention to the dangers climate change posed to the right to food. It is worth noting however that whilst acknowledging the interconnectedness of such rights, States did not seek to propose any specific solutions to the challenge of climate change.

Other rights attracting less discussion included indigenous peoples' rights, the rights of rural women and the right to freedom of assembly. The Indian Council of South America supported Ms Carmen's opening remarks by underscoring the importance of recognising the right to land of indigenous peoples while the Democratic Republic of the Congo argued that land tenure rights of rural women must be recognised. The Czech Republic (on behalf of the EU) asked Mr Nicholson about the impact of the food crisis on the rights to freedom of assembly and union formation but Mr Nicholson did not address the issue in his response.

Other issues

In its statement, Amnesty International stated that the Council's credibility rested on its willingness to confront the Sudan's violation of the right to food as a means of political coercion. Amnesty International referred to the recent decision of the Sudanese government, in the wake of an ICC indictment for its President, to expel 13 NGOs who had been providing humanitarian aid, potentially leaving 1.1 million people without food. It urged the panel and the Council to call on the Sudan, in its strongest possible terms, to revoke this decision.

In exercising its right of reply, the Sudan explained that the decision to review the legal status of the now expelled NGOs was made in exercise of its sovereign right to issue and withdraw licenses to organisations working on its territory. It further stated that the 13 NGOs had only been responsible for 8% of the work in the Sudan's Darfur region and accordingly, the problem had been overstated.

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