

COUNCIL MONITOR

International Service for Human Rights



Human Rights Monitor Series

COUNCIL UPDATE – FOLLOW-UP TO THE SPECIAL SESSIONS ON THE FOOD AND FINANCIAL CRISES HUMAN RIGHTS COUNCIL, 12TH SESSION 18 SEPTEMBER 2009

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Overview

On 18 September 2009 the Council discussed follow-up to the seventh special session on the food crisis on 22 May 2008 and the 10th special session on the global economic and financial crisis on 20 and 23 February 2009.¹ The High Commissioner updated the Council on the impact of the financial crisis on the enjoyment of human rights. The Special Rapporteur on the right to food, Mr Olivier De Schutter, presented his second follow-up report to the special session on the food crisis. The general debate that followed saw a large number of States raising the same points as at the two special sessions. The majority of States focused their statements on their view on the causes of the financial crisis rather than on its impact on the enjoyment of human rights. In general developed and developing countries expressed different views on the crisis. Sweden (on behalf of the EU) and the UK argued that the Council should focus its attention on the impact on human rights, while many developing countries and Australia underlined the need to reform global financial institutions and trade policies to address the crisis.

Statement by the High Commissioner

The High Commissioner for Human Rights, Ms Navanetham Pillay, stressed that even though the financial crisis might have seen its worst, the impact on the poorest and most vulnerable will be long lasting. The results of the crisis pose serious challenges to the enjoyment of human rights. She underlined that only through the inclusion of the human rights perspective would be able to identify the critical vulnerabilities due to discrimination, marginalisation and inequality. Governments therefore must address asymmetries in power and status when responding to economic hardships. Ms Pillay noted that she attended the General Assembly's high level conference on the World Economic and Financial Crisis and its Impact on Development in June 2009 and there

¹ For an analysis of the two special sessions, please see ISHR's reports, available at <http://www.ishr.ch/special-sessions-pubs>.

urged States to mainstream a human rights perspective in their analysis of the global economic and financial crises. Apart from the primary responsibility that States bear for their own development strategies, Ms Pillay stressed that all States share a responsibility to create a fair environment for development. She concluded her statement by highlighting that the financial crisis should be used to overcome shortcomings within the international economic architecture and above all to close the gaps in human rights implementation that undermine dignity.

Introduction of the report

The Special Rapporteur on the right to food, Mr Olivier De Schutter, presented his second follow-up report to the special session on ‘the negative impact on the realization of the right to food of the worsening of the world food crisis, caused inter alia by the soaring food prices’ entitled ‘Crisis into opportunity: reinforcing multilateralism’.² His first follow-up report was presented at the Council’s ninth regular session on 8 September 2008.³ It contained recommendations to States to cope with price volatility. The present presents the measures States have adopted to strengthen their capacity to cope with price volatility in the future. The Special Rapporteur stressed that the global food prices crisis was not a result of a mismatch between supply and demand but focus should be given to issues such as the food production and distribution chain; agriculture in accordance with the ecosystem; social protection schemes; rights of landless agricultural workers; gender equality; and development strategies.

Mr De Schutter also addressed the operational dimension of the right to food in order to improve the effectiveness of State actions. He stressed the following four required acknowledgements and strategies. Firstly it needed to be acknowledged that hunger and malnutrition are not caused by a shortage of food availability but are a result of poverty, discrimination and marginalisation. Secondly he suggested improving the understanding of who the hungry are and introducing claim mechanisms for those whose requests were denied. Thirdly he urged to set time bound targets, and lastly he stressed the need to enhance international cooperation including fairer trade terms’ alleviation of the debt burden, technology transfer, and improved development assistance.

Mr De Schutter then presented his five main findings and recommendations to States to improve their resilience to price volatility in the future. He recommended that reinvestments in agriculture take account of their potential impact to the right to food. Secondly he recommended States to limit competition for and speculation on land, including through international human rights guidelines on use of agrofuels and on transnational large scale land acquisitions or leases. His third suggestion dealt with the strengthening of social protection. Fourthly States should shield themselves from price volatility and combat speculation. Lastly he called on States to improve global governance of food security, including through reform of the Committee on World Food Security of the FAO.

General debate

Global food crisis

The debate on Mr De Schutter’s report was divided. Many countries⁴ addressed the distortion of global food markets caused by high trade barriers and subsidies in developed countries as well as by multinational companies, that they saw not adequately recognised in Mr De Schutter’s report. Brazil even accused the Special Rapporteur of pursuing his own agenda and not the mandate given by the Council. It argued that Mr De Schutter was promoting the maintenance of the status quo in which rich countries keep dominating food production and poor countries would be kept depending on charity. Brazil called upon Mr De Schutter to pursue a more balanced and objective human rights agenda and to properly address his mandate on the food crisis.

² <http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-31.pdf>

³ Building resilience: a human rights framework for world food and nutrition security : <http://daccessdds.un.org/doc/UNDOC/GEN/G08/155/08/PDF/G0815508.pdf?OpenElement>

⁴ Australia, Brazil, China, Columbia on behalf of the Group of Latin America and Caribbean Countries (GRULAC), Pakistan, on behalf of the Organisation of The Islamic Conference (OIC), and Nigeria.

Rural development was seen as a key issue to ensure fair food markets and trade, as stated by Australia, Brazil and China. China stated that to close gap between northern and southern countries, developed countries should assume their responsibility by enhancing financial and technical assistance to developing countries.

Sweden (on behalf of the European Union), Egypt, China and the Republic of Korea supported the human rights based approach suggested by the Special Rapporteur to addressing the global food crisis. Sweden asked how such an approach could be integrated in land acquisition activities and how the right to food can be ensured and food security be enhanced. They requested an update on the progress made to implement the human rights perspective in national and international programmes such as in the guidelines on food security of the Food and Agriculture Organisation (FAO). Australia and Switzerland generally supported the revitalisation of the FAO Committee on World Food Security

Several speakers addressed the Special Rapporteur's main recommendations. The European Commission asked for further details on how to analyse existing strategies and initiatives on the right to food and how to evaluate their impact and possible weaknesses. China referred to the Special Rapporteur's recommendation that States should set themselves targets and assess their achievements and asked whether and how this could present an empowerment tool for vulnerable groups. With regard to the proposed complaint mechanisms for discriminated groups, the United Kingdom requested more information on how such channels of legal redress could be designed. Furthermore China and the Syrian Arab Republic demanded an adequate representation of emerging economies and developing countries. Another main issue addressed was the need to develop holistic strategies at the national, regional and global levels and a broader acknowledgement of international responsibility such as global governance.⁵

Global financial crisis

The majority of States focused their statements on their view on the causes of the crisis rather than on its impact on the enjoyment of human rights. In general developed and developing countries expressed different views on the crisis. Sweden (on behalf of the EU) and the UK argued that the Council should focus its attention on the impact on human rights. Developing countries underlined the need to reform global financial institutions and trade policies to address the crisis.

Many States stressed that the impacts of the financial crisis are still affecting developing countries reflected in increasing poverty, and that increasing international support and cooperation is therefore required.⁶ China and Pakistan (on behalf of the OIC) urged the international community to address the root causes of the financial crisis. According to India and Pakistan (on behalf of the OIC) the crisis is a result of insufficient regulation of global markets. China and Indonesia stressed the need for global governance and enhanced multilateral cooperation. Nigeria and Pakistan (on behalf of the OIC) furthermore stressed the need for an international exchange rate system that covered all currencies of the world. Reform of global financial and economic institutions was suggested by China, Cuba, India and Indonesia. Fair global trade regulations were demanded by Cuba and Tunisia (on behalf of the Arab Group), in order to raise transparency of trade. Bangladesh, Cuba and Egypt (on behalf of NAM) demanded solidarity between nations and Egypt (on behalf of NAM) called upon the Council to produce a unified message to the international community regarding the crises.

The Russian Federation stressed that the current crisis does not decrease the responsibility of the international community to respect human rights. Sweden (on behalf of the EU) and the UK stressed that States bear the primary responsibility for protecting human rights and that all rights should be given equal attention in time of crisis. A human rights based approach should, according to Algeria, the UK and Uruguay (on behalf of MERCOSUR), ensure that the most vulnerable groups are given particular attention. Uruguay and China stressed that the crisis could result in increased discrimination against migrant workers in receiving countries.

⁵ China, India, Italy, China, Nord-Sud XXI, UK, Republic of Korea.

⁶ China, Egypt on behalf of the Non Aligned Movement, Indonesia, Nigeria behalf of the African Group, Tunisia on behalf of the Arab Group, the United Kingdom.

India regretted that none of the special procedure or treaty bodies have yet dealt with the question of the impact of the current crisis on the enjoyment of human rights. China proposed that the Office of the High Commissioner for Human Rights and the special procedures should follow the evolution of the crisis and suggest ways to cope with it.

Replies of the Special Rapporteur on the right to food

Mr De Schutter announced that he would present precise recommendations to cope with the challenges of climate change at the Copenhagen Climate Summit later this year. Mr De Schutter welcomed Brazil's initiative to limit the conversion of agricultural land to produce bio fuels and looked forward to his mission to Brazil in October this year. Concerning large scale acquisitions and leases he highlighted a set of recommendations he presented in June that have influenced the international discussion on this issue, including the work of the FAO and the World Bank. He pointed out a good practice project in Mali where large-scale investments in land benefitted local communities. Furthermore he outlined that his recommendations to the reform of FAO's Committee on World Food Security focused on a global strategy for the realisation of the right to food. He replied to a question raised by the Republic of Korea concerning the justiciability of the right to food, stating that domestic courts are increasingly using the right to food as a way to monitor government policies.

Further information

For further information on the Human Rights Council, please consult the following resources:

- Follow ISHR on Twitter: [@ishr_geneva](https://twitter.com/ishr_geneva).
- Web site of the International Service for Human Rights, providing up-to-date information before, during and after sessions of the Council: <http://www.ishr.ch/council>. During the session, ISHR will provide information about the Council's proceedings on a regular but not daily basis. You can subscribe to receive alerts of our publications by sending an email to information@ishr.ch.
- Oral statements made at the Council, as well as other informal documents and draft resolutions are available on the 'OHCHR extranet' at <http://portal.ohchr.org/portal/page/portal/HRCExtranet>. Username: 'hrc extranet' Password: '1session'.
- Web site of the Office of the High Commissioner for Human Rights (OHCHR) on the 12th session of the Human Rights Council: <http://www2.ohchr.org/english/bodies/hrcouncil/12session>. For direct access to reports considered, check <http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>.

NGOs and human rights defenders seeking more specific information or individual advice on the Council session, please contact the ISHR secretariat by email or phone at +41 (0) 22 919 71 00.

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ABOUT THE PUBLICATION

The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Council Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at www.ishr.ch.

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