



RIGHT TO FOOD  
AND NUTRITION  
WATCH

2013

Alternatives and  
Resistance to Policies  
that Generate Hunger

# IMPRESSUM

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# ACRONYMS

AGRA	Alliance for a Green Revolution in Africa
CAP	EU Common Agricultural Policy
CESCR	Committee on Economic, Social and Cultural Rights
CFS	Committee on World Food Security
CSO	Civil Society Organization
ESCR	Economic, Social and Cultural Rights
ETO	Extraterritorial Obligation
EU	European Union
FAO	UN Food and Agriculture Organization
GAIN	Global Alliance for Improved Nutrition
GDP	Gross Domestic Product
GHI	Global Hunger Index
GMO	Genetically Modified Organism
IAASTD	International Assessment of Agricultural Knowledge, Science and Technology for Development
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
IPR	Intellectual Property Rights
IMF	International Monetary Fund
MDG	Millennium Development Goal
NGO	Non-Governmental Organization
OECD	Organisation for Economic Co-operation and Development
OHCHR	UN Office of the High Commissioner for Human Rights
PBR	Plant Breeders' Rights
PPP	Public-Private Partnership
RtAF	Right to Adequate Food
SCN	UN Standing Committee on Nutrition
SDN	Social Determinants of Nutrition
SUN	Scaling Up Nutrition
TNC	Transnational Corporation
UDHR	Universal Declaration of Human Rights
UPOV	International Union for the Protection of New Varieties of Plants
UN	United Nations
WFP	World Food Programme
WHA	World Health Assembly
WHO	UN World Health Organization
WIPO	World Intellectual Property Organization
WTO	World Trade Organization



# PREFACE

“All human beings, without discrimination, are entitled to enjoy the full realization of the human right to adequate food and nutrition. This right guarantees people’s informed participation in the decision-making and elaboration of public policies assuring an economically, politically, socially and ecologically sustainable supply of adequate and nutritious food within the frameworks of food and of people’s sovereignty; [...]”<sup>1</sup>

This quote appears in the “Call for Joint Action” of the newly launched *Global Network for the Right to Food and Nutrition*, which brings together human rights activists from social movements, NGOs and academia. By joining forces, the members of the *Global Network* will be fighting together for the realization of one of the most violated human rights.

The *Right to Food and Nutrition Watch* is closely linked to the new *Global Network*, with the majority of Watch Consortium members participating in both endeavors. This synergy ensures that the *Watch* is the most prominent monitoring tool of the *Global Network*.

The *Global Network* is an initiative of civil society organizations and international social movements, including peasants, fisherfolk, pastoralists, indigenous peoples, and food and agricultural workers. It was publicly launched on the 24<sup>th</sup> of June 2013 in Austria, as part of the Vienna+20 Action Week, commemorating the 20<sup>th</sup> anniversary of the 1993 UN World Conference on Human Rights. On this occasion, founding members of the *Global Network* from Asia, Africa, Europe and the Americas explained the need for and potential of the new initiative, its nature, priorities and what value it would add—based on their experiences in local, national and international struggles to fight violations of the right to food and nutrition.<sup>2</sup> Civil society organizations and social movements are invited to join the *Global Network* if they fully endorse the principles outlined in the Charter.<sup>3</sup> To date, 21 organizations and networks have confirmed their membership.<sup>4</sup>

The *Global Network* is intended to be a space for dialogue and a place for mobilization; common ground where members can strengthen their efforts to hold states accountable for their obligation to realize the right to adequate food and nutrition. The *Global Network* supports the struggles of members of social movements and groups who, as a result of challenging violations of these rights, may suffer repression, violence and criminalization. Additionally, the *Global Network* will work towards ending the impunity of state-condoned human rights violations and those carried out by non-state actors.

At its Vienna launch, the UN Special Rapporteur on the Right to Food, Olivier De Schutter, declared that the “*Global Network for the Right to Food and Nutrition* is vital to move beyond the existing achievements, and in the course of doing so, to build capacity and expertise to have the right to food become transformational and effective in the international agenda. The convergence of the Network sends a very strong message that is empowering for all the institutional actors that seek to improve accountability and democracy in the food systems. Courts, parliamentarians and national human rights institutions will not move unless you move first. They will only make progress if they feel that they benefit from this support. I do not know whether you need them, but I certainly know that they need you as a source of inspiration, of knowledge and support.”<sup>5</sup>

Members share the Special Rapporteur’s enthusiasm about how the *Global Network* can contribute to their independent and joint efforts. Christine Campeau of the Ecumenical Advocacy Alliance stated that the *Global Network* will help to

- 1 Global Network for the Right to Food and Nutrition, *A Call for Joint Action*, June 2013. [www.fian.org/fileadmin/media/publications/GNRtFN\\_-\\_Formatted\\_Network\\_Call\\_to\\_Action.pdf](http://www.fian.org/fileadmin/media/publications/GNRtFN_-_Formatted_Network_Call_to_Action.pdf).
- 2 See pictures and videos of the launch event at: [www.fian.org/en/what-we-do/issues/monitoringaccountability/global-network-for-the-right-to-food-and-nutrition](http://www.fian.org/en/what-we-do/issues/monitoringaccountability/global-network-for-the-right-to-food-and-nutrition).
- 3 Global Network for the Right to Food and Nutrition, *Charter*, June 2013. [www.fian.org/fileadmin/media/publications/GNRtFN\\_-\\_Formatted\\_Charter.pdf](http://www.fian.org/fileadmin/media/publications/GNRtFN_-_Formatted_Charter.pdf).
- 4 The 21 founding members of the Network are: World Organization against Torture (OMCT); World Forum of Fish Workers and Fish Harvesters (WFF); World Forum of Fisher People (WFFP); World Alliance of Mobile and Indigenous Peoples (WAMIP); Terra Nuova; Right to Food Campaign India; Peoples’ Health Movement (PHM); Observatori DESC; ICCO; Habitat International Coalition (HIC); Inter-American Platform for Human Rights, Democracy and Development (PIDHDD); International Baby Food Action Network (IBFAN); International Indian Treaty Council (IITC); International Union of Food Workers (IUF); FIAN International; Ecumenical Advocacy Alliance (EAA); Dan Church Aid (DCA); Centro Internazionale Crocevia; CIDSE international alliance of Catholic development agencies; Brot für die Welt; African Network on the Right to Food (ANRF-RAPDA).
- 5 *Op. cit.* at 2.

strengthen the capacities of all Alliance members, increasing the effectiveness of their struggles and helping to raise awareness of the right to food and nutrition worldwide. Biraj Patnaik of India's Right to Food Campaign said that it creates a new space that shall be occupied mainly by those whose rights have been denied. Speakers from the social movements, including Mani Jorge Stanley of the International Indian Treaty Council and Svetlana Boincean of the International Union of Food workers, stressed their expectations that the *Global Network* will strengthen peoples' struggles on the ground through joint international action and shared global strategies.

In all respects the *Global Network* and the *Right to Food and Nutrition Watch* share a common goal, but the theme of this year's *Watch—Alternatives and Resistance to Policies that Generate Hunger*—is especially relevant. This theme is aligned seamlessly with the aim of the *Global Network* to mobilize positive power to generate policies that fight hunger while simultaneously denouncing policies that generate hunger. Therefore, the publication of the *Watch 2013* is a timely and apt celebration of the birth of the *Global Network*.

The Watch Consortium would like to thank all who contributed to this issue. We deeply appreciate the insights of the authors who made this publication a success. A special thanks goes to the Watch coordinator, Léa Winter, for her intense and excellent work, and to the editorial board composed of Anne C. Bellows, Stineke Oenema, Kathy McNeely, Christine Campeau, Carolin Callenius, Saúl Vicente, Antonio Onorati, Marcos Arana Cedeño, Maarten Immink, Biraj Patnaik, Pablo de la Vega and Martin Wolpold-Bosien. We would also like to highlight the support of Elisabeth Black, Alison Graham and Alana Mann, who served as copy editors, and the great work of the translators. We are likewise grateful to the other members of the Watch Consortium for their valuable contributions to the design and content of the publication.

Yours sincerely,

Carolin Callenius, Brot für die Welt

Stineke Oenema, ICCO

Flavio Valente, FIAN International

Several schemes related to food, agriculture and nutrition, lead by the most powerful countries in the world in close cooperation with corporations, have gained unprecedented influence in recent years. As international solidarity between states as well as UN resources have significantly decreased since the financial crisis in 2008, the new precept in international affairs appears to be that no major development project can be carried out without the active participation of major corporations and their front foundations/agencies, often in the form of Public-Private Partnerships (PPP). There is an urgent need to question this trend as it should be clear to everyone that the interests of corporations do not always align with public interests.

Civil society groups and social movements worldwide offer sustainable alternatives founded on the participation of all people concerned and adapted to fit their needs. These self-organized actors are mobilizing against the plundering of their resources, land and livelihoods with the aim of having their rights recognized and enforced by responsible authorities.

As in previous editions, this *Watch* is divided into two sections. The first comprises of six articles, each addressing major thematic concerns related to policies that generate hunger. The latter section, with articles divided according to region, assesses developments in twelve countries with respect to the realization of the right to adequate food and nutrition.

Article 1 revisits and provides updates on the issues presented in previous editions of the *Watch*. This discussion focuses specifically on developments related to the post-Millennium Development Goals (MDGs) debate and the importance of framing any future global objectives within a human rights framework with a strong accountability focus.

Article 2 tackles pressing concerns related to the conflict of interest posed by the increasing trend toward Public-Private Partnerships (PPP) in agricultural development, specifically the G8 New Alliance, Scaling-Up Nutrition (SUN) and Alliance for a Green Revolution in Africa (AGRA).

Article 3 focuses on experiences and perspectives of social movements in building resistance and alternatives to harmful trends in food and agriculture policies. The concept of 'agroecology' as an approach to sustainable production is highlighted in addition to the mobilization of certain urban civil society organizations in support of 'community supported agriculture' and local food sovereignty. The recently adopted Global Strategic Framework for Food Security and Nutrition (GSF) is also presented.

Article 4 addresses gender issues related to the realization of the right to food in various regional and cultural contexts. These concerns are demonstrated through cases in which women face obstacles in achieving equality and independence in agriculture and other food-related employment.

Article 5 provides insight into the crucial role seeds and farmers' seed rights play in achieving sustainable food and agricultural systems around the globe, and the extent to which monocultures and widespread genetic modification threaten ecological diversity and the future of farming.

The final article of the first section, Article 6, highlights the importance of small-scale fisheries in the world food system. It explores the challenges this sector faces and also presents measures taken to promote the interests of this marginalized group. In addition, a brief introduction to the case of fishing resource spoilation in Western Sahara is provided.

The introductory article of the second section, Article 7, focuses on three African countries: Togo, where a civil society coalition was formed to present an

alternative report to the UN on the state of economic, social and cultural rights (ESCR) in the country; Mozambique, where peasant communities are confronted with large-scale land grabbing by corporations; and South Sudan, the world's newest country and newest destination for foreign investors. Although the individual contexts and cases vary, a disturbing trend is identifiable—traditional methods of African agriculture and the livelihoods of local peasants are increasingly threatened by corporate expansion across the continent.

Article 8 brings us to Asia. A detailed analysis of the recent debates on the Indian National Food Security Bill and its shortcomings is followed by reports on Nepal and the Philippines, where struggles for the realization of the right to food and nutrition are ongoing. Nepal has become dependent on foreign food aid as a consequence of UN mandated programs which fail to address the underlying structural causes of hunger and contribute little to local food sovereignty. Civil society organizations in the Philippines, on the other hand, have organized in favor of the realization of the right to adequate food through the mobilization of the National Food Coalition with some positive results.

The Latin American section, contained in Article 9, highlights an agribusiness offensive driven by corporations, including Monsanto, in the form of the imposition of genetically modified (GM) crops. These crops pose grave risks to cultural and biological diversity in the region as well as to the health and livelihoods of peasants entrapped within a system of dependency. In the Mayan region of Mexico, civil society groups, in particular women and indigenous groups, have applied for constitutional protection to halt GM Soya bean plantations. In Paraguay, the *coup* leading to the ousting of President Lugo was followed by the large-scale introduction of GM crops coupled with a marked reduction in social policies. Some studies have suggested a link between this sudden policy reversal and corporate interests.

Article 10 tackles a broad range of issues surrounding the realization of the right to adequate food and nutrition in countries in the Global North including the United States of America and Europe. This area tends to be overlooked in analyses of hunger and malnutrition in favor of the developing regions of the world. However, issues such as land grabbing and food insecurity are just as pressing in the US and Europe. In Spain, the economic crisis has reached dramatic levels, leading many of those deprived of their homes and crippled by debts to commit suicide. This article also denounces the increased criminalization of civil society groups defending the victims' interests. In the US, the lack of accessibility to and availability of adequate food in urban areas is problematic for many low income families. This section illustrates the measures civil society movements are undertaking in order to alleviate this problem, while the government still refuses to recognize the right to food as a justiciable right. In Germany, the increasing use of privately run food banks demonstrates the government's inability or unwillingness to secure the right to food of its population. Furthermore, this article introduces the findings of a study conducted by the *European Coordination Via Campesina* and the *Hands off the Land Network* regarding the increasing threat of land concentration and land grabbing across Europe.

The members of the Right to Food and Nutrition Watch Consortium hope that all of the initiatives presented in this 2013 edition of the *Watch* will enrich our readers' understandings of these complex issues and foster many similar initiatives of resistance to challenge the current balance of power. Inspired by our shared experiences, exchanges of ideas and strategies, we will build together sustainable alternatives for an improved system where all people will enjoy all human rights—including the right to adequate food and nutrition.

The *Watch* 2013 editorial board

# ALTERNATIVES AND RESISTANCE TO POLICIES THAT GENERATE HUNGER

# HUMAN RIGHTS ACCOUNTABILITY, INCLUSIVE GOVERNANCE IN FOOD AND NUTRITION, AND THE POST-2015 FRAMEWORK

Martin Wolpold-Bosien<sup>1</sup>

Between 2013 and 2014, a worldwide discussion process will take place to define the post-2015 development framework. This article aims to contribute to the critical analysis of this process based on key findings of the previous editions of the *Right to Food and Nutrition Watch*.

The consultations on the post Millennium Development Goals (MDGs) framework began in 2012 and have covered a large number of countries and constituencies, along with a specific thematic consultation process on hunger, food and nutrition, which concluded with a synthesis report in Madrid in April of 2013.<sup>2</sup> Within this process, social movements and civil society organizations (CSOs) have expressed their positions regarding the process and content of the consultation on the post-MDG framework on food and nutrition. They have particularly stressed three aspects:<sup>3</sup>

First, the need for serious reflection on positive and negative effects of the MDGs, especially in food and nutrition, its achievements and limitations, and on possible steps forward. One of the major shortcomings of the MDGs is the lack of accountability, particularly in the area of human rights.

Second, CSOs recommended that the Committee on World Food Security (CFS) serve as the forum for this reflection, as its standards of inclusive governance allow for meaningful participation by civil society and social movements, and particularly the constituencies most affected by hunger and malnutrition.

Third, CSOs highlighted that discussions at the CFS have contributed to a participatory and transparent process. Over a period of more than two years, the Global Strategic Framework for Food Security and Nutrition (GSF) has become the primary reference for global governance on food security and nutrition, which aims at ensuring human rights-based accountability and coherence among all actors.<sup>4</sup> Since September 2012, diverse contributions have been made by CSOs on the overall post-MDG process and on the topic of hunger, food and nutrition.<sup>5</sup>

This article aims to make a specific contribution based on two key perspectives that have been developed throughout the five editions of the *Watch*, namely the perspective of human rights and inclusive governance.

## HUMAN RIGHTS PERSPECTIVE AND INCLUSIVE GOVERNANCE

As identified in the 2012 *Watch*, there are three key human rights challenges when debating the post-MDG agenda, especially in relation to the post-MDG 1 agenda:

Primacy of human rights: Although the inclusion of human rights terminology and references has increased significantly in international frameworks dealing with food security and nutrition, it is still not fully understood and accepted that human rights are the primary responsibility of states and have primacy over any other

- 1 [Martin Wolpold-Bosien](#) is the Coordinator of the Right to Adequate Food Accountability Program at the FIAN International Secretariat.
- 2 High Level Consultation on Hunger, Food Security and Nutrition, held on the 4<sup>th</sup> of April 2013, Synthesis report of Joint Chairs and Co-Leads of the Post-2015 Global Thematic Consultation on Hunger, Food, and Nutrition, April 2013. For further information on the thematic consultation process, visit: [www.worldwewant2015.org/food2015](http://www.worldwewant2015.org/food2015).
- 3 "Informal Thematic Consultation on Hunger, Food and Nutrition Post-2015 with CFS Actors." International Planning Committee on Food Sovereignty (IPC), Feb. 2013. [www.fao.org/fsnforum/post2015/sites/post2015/files/files/IPC%20declarat%20post2015%2B%2011feb%20%28ES%20EN%29.pdf](http://www.fao.org/fsnforum/post2015/sites/post2015/files/files/IPC%20declarat%20post2015%2B%2011feb%20%28ES%20EN%29.pdf).
- 4 See FAO Factsheet (in process of approval) on the Right to Adequate Food in the GSF, authored by Natalia Landivar and Martin Wolpold-Bosien, forthcoming.
- 5 "Strengthening the Human Rights Movement Globally." *Vienna +20 Action Week*. Vienna +20. [www.viennaplus20.org](http://www.viennaplus20.org). You will find the Vienna+20 CSO Declaration, adopted in Vienna on June 26<sup>th</sup>, 2013 at: <http://viennaplus20.files.wordpress.com/2013/07/vienna-20-cso-declaration-final-post2.pdf>.

policy area as stated in Article 1 of the Vienna Declaration adopted by consensus at the UN World Conference on Human Rights in 1993. From this perspective, it was an important achievement that the Global Strategic Framework for Food Security and Nutrition, approved in October 2012 by the CFS, ended up having a strong focus on human rights.

Qualifying the concept of policy coherence: This concept must be understood in terms of “human rights coherence”. This qualification is needed to avoid any confusion resulting from conflicting policy objectives. Policy coherence is not a means to an end in itself, but must be human rights-based, which essentially means that all policies with negative impact on human rights must be revised or stopped and made consistent with human rights requirements.<sup>6</sup>

Human rights-based monitoring and accountability:<sup>7</sup> These terms have gained increasing acceptance among most actors in the food security and nutrition field, and were recognized in the first version of the GSF. Although we know that states, intergovernmental institutions and private actors are hesitant to accept monitoring mechanisms that assume legal accountability for human rights impacts, we also know that without such accountability, no substantial change in national and international policies can be expected.

Regarding inclusive governance,<sup>8</sup> progress made in the area of global food and nutrition governance could be taken as a model for comprehensive governance reform within the United Nations (UN), which would allow for a stronger relationship between the UN system and civil society.

Small-scale food producers’ movements, including peasants’ organizations, landless, food and agricultural workers, fisherfolks, pastoralists, indigenous peoples, women and youth, together with many public interest CSOs, have worked hard for several years to achieve reform of the system of global governance in food security and nutrition. Their dedication is to ensure adequate and meaningful participation of their respective sectors in the development and definition of global policies that affect communities and nations.

Since the World Food Summit in 1996, the International Planning Committee for Food Sovereignty (IPC) has facilitated and strengthened the political space for social movements in relation to the Rome based UN agencies on food and agriculture. Since then, food sovereignty has become the most prominent alternative paradigm to the dominant agricultural and economic model, including a strong link to human rights and the fundamental change towards inclusive governance.<sup>9</sup>

CSOs appreciated the 2009 reform of the Committee on World Food Security, which is now the broadest and most inclusive worldwide platform that brings together all the relevant actors, and has opened a space for reasonable participation of social movements and other civil society groups. Since then, CSOs have collaborated with many efforts on the development and negotiation of key policy instruments which were subsequently approved by the CFS.<sup>10</sup>

## WHAT CAN BE EXPECTED IN THE POST-2015 ERA?

Human rights (HR) and inclusive governance must remain central elements of any substantial post-2015 agenda. The recognition of HR primacy and its practical implementation, together with the principles of accountability and coherence, must be seen as indispensable and non-negotiable cornerstones, as they are key concepts in the Universal Declaration of Human Rights. Without their full and operational

6 See specifically the coherence debate in the 2010 *Right to Food and Nutrition Watch*, which places special attention on land grabbing and nutrition.

7 The 2011 edition of the *Right to Food and Nutrition Watch* puts special attention to human rights accountability and coherence.

8 The 2008 and 2009 editions of the *Right to Food and Nutrition Watch* called strongly for substantial progress towards inclusive governance for the global food and nutrition systems.

9 “Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems.” “Declaration of the Forum for Food Sovereignty, Nyéléni 2007.” *Nyéleni*. Feb. 2007. [www.nyeleni.org/spip.php?article290](http://www.nyeleni.org/spip.php?article290).

10 “Voluntary Guidelines on the Responsible Governance of Tenure.” *Natural Resources and Environment: About the Voluntary Guidelines on Tenure*. FAO, May 2012. [www.fao.org/nr/tenure/voluntary-guidelines/en/](http://www.fao.org/nr/tenure/voluntary-guidelines/en/); “The Global Strategic Framework for Food Security and Nutrition.” *FAO: Global Strategic Framework*, Oct. 2012. [www.fao.org/cfs/cfs-home/global-strategic-framework/en/](http://www.fao.org/cfs/cfs-home/global-strategic-framework/en/).

inclusion, any post 2015 agenda will repeat the fundamental shortcomings of the MDGs.

Inclusive governance is the logical consequence of a human rights approach: it is the rights holders who must be heard, whose voices, critiques, proposals, expertise are the most important for policy debates and decisions. The new governance model established at the CFS can serve as an example of how the governance model of the United Nations system, including the human rights system, should be reformed.

If such categorical changes are accepted for the whole upcoming agenda, the objective and main implications for post 2015 food and nutrition policy must consequently be formulated from a human rights perspective. Such an objective can and should be based on the following elements of the Charter of the *Global Network for the Right to Food and Nutrition*:

**Its main objective could be:**

The full realization of the right to adequate food and nutrition. All human beings, without discrimination, are entitled to enjoy the full realization of the human right to adequate food and nutrition. This right guarantees people's informed participation in the decision making and elaboration of public policies assuring an economically, politically, socially, and ecologically sustainable supply of adequate and nutritious food within the frameworks of food and of people's sovereignty; it also guarantees the enjoyment of regular access to food for all while respecting both cultural traditions and the principle of non-discrimination.<sup>11</sup>

**The main implication of this will thus be:**

Ending impunity of human rights violations through enforcing compliance of obligations, accountability and coherence, ensuring that states, as duty bearers, are held accountable for their general and specific obligations under international human rights law, including the Maastricht Principles on extraterritorial obligations. As a general obligation, states must abide by the principles of non-discrimination, equality, non-retrogression, transparency, participation, accountability and rule of law. Specific obligations call on states to respect, protect, and fulfill (facilitate, promote and provide), in this case, the right to adequate food and nutrition. This implies that governments must make all of their policies, such as agricultural, food, trade, economic, environment, social, energy and others, coherent with the realization of human rights.<sup>12</sup>

11 Global Network for the Right to Food and Nutrition, *Charter*, June 2013, Para. 1. [www.fian.org/fileadmin/media/publications/GNRFN\\_-\\_Formatted\\_Charter.pdf](http://www.fian.org/fileadmin/media/publications/GNRFN_-_Formatted_Charter.pdf)

12 *Ibid.*, Para. 2.

# 02

## PRIVATE SECTOR INVESTMENTS IN AGRICULTURAL DEVELOPMENT

Millions of dollars are currently being invested in neglected agricultural development schemes with a strategic focus on Africa—but the majority of African small-scale producers wonder if any of it is really about them. Frameworks and reports outlined by the world’s top food and agricultural development organizations and researchers, including the Food and Agriculture Organization’s State of Food and Agriculture,<sup>1</sup> the Global Strategic Framework adopted by the Committee on World Food Security in 2012,<sup>2</sup> and the International Agricultural Assessment of Science and Technology for Development (IAASTD),<sup>3</sup> all highlight small-producer-driven models as the best strategy for agricultural development. Programs focused on improving small-producer capacity offer both economic and ecological sustainability and the greatest capability for increasing agricultural productivity, addressing hunger and lifting small-scale producers out of poverty. However, a recent trend of global agricultural investor-driven programs, which not only lack transparency but also democratic participation, threaten to generate more hunger and deepen poverty for the strategic populations they purport to help.

### 02a

## A STRATEGIC FOCUS SHORT OF STRATEGIC PLAYERS

Kathy McNeely<sup>4</sup>

The following article describes the investment initiatives formulated by the Alliance for a Green Revolution in Africa (AGRA) launched in 2006, the G8 New Alliance for Food Security and Nutrition (New Alliance) launched in 2012 and Scaling up Nutrition (SUN) launched in 2009, and evaluates their capacity to respond to the pressing needs faced by small-scale producers. In addition, it explores the reactions from small-scale producer groups and outlines some ways forward for agricultural development investments that truly promote the right to food and food sovereignty.

### THE G8 NEW ALLIANCE FOR FOOD SECURITY AND NUTRITION (NEW ALLIANCE)

The L’Aquila pledge to mobilize \$22 billion in donor funding to support national agricultural plans in developing countries was the G8’s initial response to the global food crisis and the New Alliance, spearheaded by the United States and launched at the G8 Summit at Camp David in 2012, is the second phase of that response,<sup>5</sup> involving an influx of private sector investments in African agriculture over a 10 year period. Currently the New Alliance has over 80 letters of intent from companies

1 “Investing in Agriculture for a Better Future.” *FAO: The State of Food and Agriculture 2012*. Food and Agriculture Organization of the United Nations. [www.fao.org/publications/sofa/en/](http://www.fao.org/publications/sofa/en/).

2 “The Global Strategic Framework for Food Security and Nutrition.” *FAO: Global Strategic Framework*. Food and Agriculture Organization of the United Nations. [www.fao.org/cfs/cfs-home/global-strategic-framework/en](http://www.fao.org/cfs/cfs-home/global-strategic-framework/en).

totalling \$5 billion of investment in six African pilot countries: Ghana, Ethiopia, Tanzania, Cote D'Ivoire, Burkina Faso and Mozambique.<sup>6</sup>

In Africa, G8 programs and funds were supposed to be aligned with the country agriculture plans developed through the African Union's Comprehensive Africa Agriculture Development Programme (CAADP). However, while the "national plans are extensive documents covering a wide range of issues, the frameworks concentrate on only a small number of measures almost exclusively aimed at increasing corporate investment in agricultural lands and input markets."<sup>7</sup> According to GRAIN, "[t]he [Cooperation] Frameworks involve a set of approximately 15 different policy measures that each African government commits to implement with clearly defined deadlines. But few of these policy commitments are found in the CAADP plans that these countries developed through national consultations."<sup>8</sup>

Because it lacks transparency and has the potential to harm small-scale producers in Africa, several civil society groups have joined forces to register their opposition to the New Alliance, including the International Planning Committee for Food Sovereignty (IPC) working group on land,<sup>9</sup> a declaration by the African Centre for Biosafety,<sup>10</sup> one drafted by CONCORD (the European NGO confederation for relief and development)<sup>11</sup> and one drafted by the working group Food and Agriculture of the forum on Environment & Development.<sup>12</sup> The latter urged the German government to withdraw from the New Alliance because of the "risk that strategies for combating poverty and hunger are oriented towards the political interests of corporations." They go on to claim that "[g]overnments help them by mitigating investment risks, by providing investment-related information and a positive investment climate in agricultural input markets (seeds, fertilizer, pesticides) and the land sector." As a result, the "concentration of power in the seed market, loss of agro-biodiversity, marginalization of rural communities and especially women, concentration of land, land grabbing and the substantial conflict of aims between the claim of combating hunger and the original business interests of corporations are systematically disregarded by the G8 New Alliance."<sup>13</sup>

### BOX 1

#### African Peasants Have Their Own Ideas on How to Meet the Growing Demand for Food

Nora McKeon<sup>14</sup>

Africa is a particularly appetizing target for corporate capital investments and financial speculation, and for good reason. As the World Bank announced in a new report, *Growing Africa: Unlocking the Potential of Agribusiness*: "Africa represents the 'last frontier' in global food and agricultural markets. It has more than half of the world's uncultivated but agriculturally suitable land and has scarcely utilized its extensive water resources. As Africa's population, incomes, and cities grow and spur the development of domestic markets, the prospects for agriculture and agribusiness will be better than ever."<sup>15</sup>

Initiatives like the New Alliance and AGRA (see below) seek to pry open this major agri-food market on the world scene which has not yet been brought under the control of multinationals, thanks in good part to the resistance of the millions of small-scale family farmers who produce up to 80% of the food consumed in the continent.

- 3 IAASTD was initiated by the World Bank in open partnership with a multi-stakeholder group of UN organizations, representatives of governments, civil society, private sector and scientific institutions from around the world. The team of experts doing the research and reporting included more than 400 international experts from various disciplines. In April 2008, in the midst of economic and food crisis, IAASTD issued its report concluding that "the way the world grows its food will have to change radically to better serve the poor and hungry if the world is to cope with a growing population and climate change while avoiding social breakdown and environmental collapse." See: "International Assessment of Agricultural Knowledge, Science and Technology for Development." *United Nations Environment Programme*. Division of Early Warning and Assessment (DEWA). [www.unep.org/dewa/Assessments/Ecosystems/IAASTD/tabid/105853/Default.aspx/docs/Global\\_Press\\_Release\\_final.doc](http://www.unep.org/dewa/Assessments/Ecosystems/IAASTD/tabid/105853/Default.aspx/docs/Global_Press_Release_final.doc).
- 4 Kathy McNeely is a program and policy coordinator at the Maryknoll Office for Global Concerns and a representative of the US Food Sovereignty Alliance.
- 5 "The G8 and Land Grabs in Africa." GRAIN, 11 March 2013. [www.grain.org/article/entries/4663-the-g8-and-land-grabs-in-africa](http://www.grain.org/article/entries/4663-the-g8-and-land-grabs-in-africa).
- 6 "New Fund to Spur Investment in African Agriculture Infrastructure." USAID, 9 May 2013. [www.feedthefuture.gov/article/new-fund-spur-investment-african-agriculture-infrastructure](http://www.feedthefuture.gov/article/new-fund-spur-investment-african-agriculture-infrastructure).
- 7 *Ibid.*, see annex.
- 8 *Op. cit.* at 5.
- 9 IPC Working Group on Land, "G8 should implement the CFS Tenure Guidelines rather than launch a new initiative aimed at increased transparency in land transactions," International Statement, 15 May 2013. [www.fian.org/fileadmin/media/publications/Statement\\_G8\\_Land\\_Transparency\\_Initiative\\_Final\\_EN.pdf](http://www.fian.org/fileadmin/media/publications/Statement_G8_Land_Transparency_Initiative_Final_EN.pdf).
- 10 "Modernising African Agriculture: Who Benefits?" Statement by Civil Society in Africa [www.acbio.org.za/activist/index.php?m=u&f=dsp&petitionID=3](http://www.acbio.org.za/activist/index.php?m=u&f=dsp&petitionID=3).
- 11 CONCORD statement on G8 and New Alliance, 23 May 2013. [www.concord-europe.org/248-statement-on-g8-and-new-alliances-for-food-and-nutrition-security?highlight=WjInOCJd](http://www.concord-europe.org/248-statement-on-g8-and-new-alliances-for-food-and-nutrition-security?highlight=WjInOCJd).
- 12 "Structural Adjustment 2.0: G8 Initiative 'New Alliance for Food Security and Nutrition in Africa' Paves the Way for Radical Opening of Markets for International Seed and Agrarian Corporations in African Countries." Working Group Food and Agriculture of the Forum on Environment & Development, January 2013. [www.forumue.de/fileadmin/userupload/AG\\_Landwirtschaft/Ernaehrung/Message\\_G8-Initiative\\_New\\_Alliance\\_16012013\\_Englisch.pdf](http://www.forumue.de/fileadmin/userupload/AG_Landwirtschaft/Ernaehrung/Message_G8-Initiative_New_Alliance_16012013_Englisch.pdf).
- 13 *Ibid.*
- 14 Nora McKeon is the Coordinator of the Europe Africa programme at Terra Nuova, a member organization of the Watch Consortium and a lecturer at Rome 3 University.
- 15 "Growing Africa: Unlocking the Potential of Agribusiness". World Bank, 2013, p. 2. <http://siteresources.worldbank.org/INTAFRICA/Resources/africa-agribusiness-report-2013.pdf>.

African small-scale producers are calling on their governments to defend their interests rather than those of corporations. A letter addressed to the President of the African Union on the event of the G8 Summit in 2012, drafted by peasant leader, Mamadou Cissokho, and signed by numerous African civil society organizations, stated the issue in no uncertain terms: “There is an African consensus regarding the need to increase investments in agriculture but a lack of clarity concerning the destination of these investments: which products, which markets, for whose benefit? [...] African policies should accord the major advantages to the principle investors in agriculture, those who take the risks within the family enterprises, that is the peasants, and not to urban or foreign sources of capital [...] The G8 and the G20 can in no way be considered the appropriate forum for decisions of this nature.”<sup>16</sup>

Across the continent small-scale producer organizations and local communities are mobilizing against the land grabs that often accompany large-scale investments in agriculture, in which national governments and capital usually act in complicity with foreign investors. The *Stop Land-Grabbing Now!* Conference, hosted by the Malian peasant movement in November 2011, gave peasants, pastoralists and indigenous peoples from around the world a chance to share their experiences and their struggles. The final declaration made it clear that land grabbing is only the most visible and odious aspect of a broader project.<sup>17</sup>

Five months later, the African Civil Society Consultation, held in Brazzaville in parallel to the FAO Regional Conference for Africa, denounced the tendency of governments to “look to external resources to fund African agriculture” and stated that “[African] agriculture can only develop if it receives adequate national resources as a priority. Resources are targeted towards industrial agriculture adopting the Public/Private Partnerships (PPP) approach, which is not an appropriate instrument for supporting the family farms that are the foundation of African food security and sovereignty”. The consultation called for the following measures regarding agricultural investments:

- “The existence of agricultural policies formulated with a participatory approach should be the pre-condition for the formulation of national investment plans.
- States should be accountable for ensuring that agricultural investments are useful and relevant, and that they are coherent with the visions of the agricultural policies.
- Agricultural investments should be directed towards family farms, and particularly towards women and young people and other marginalized groups.”<sup>18</sup>

Global, continental and regional advocacy are important, but the key is the national level, where policies and legislative frameworks are put into place and enforced ... or ignored. In countries throughout the continent small-scale producer organizations are advocating for national agricultural policies, investment programs and land tenure laws that defend the rights and livelihoods of rural producers and communities. In Tanzania, MVIWATA (National Network of Farmers Groups in Tanzania) is mobilizing its membership against national agricultural policies that see no future for small-scale farmers outside of private sector-led, export-oriented, out-grower schemes like the SAGCOT (Southern Agricultural Growth Corridor of Tanzania) supported by Grow Africa and the New Alliance. The Constitutional Review, now in progress, is an opportunity to get the national rules right, as was urged at a national workshop organized by MVIWATA: “There is fear that Tanzania would enter into

16 “Food security: A letter to the President of the African Union.” Presented 15 May 2012 by Mamadou Cissokho (on behalf of 15 African civil society networks and coalitions). [www.europafrika.info/en/news/foos-security-a-letter-to-the-president-of-the-african-union](http://www.europafrika.info/en/news/foos-security-a-letter-to-the-president-of-the-african-union).

17 “The fight against land-grabbing is a fight against capitalism, neoliberalism and a destructive economic model [...]. Land grabbing threatens small-scale, family based farming, nature, the environment and food sovereignty. Land grabbing displaces and dislocates communities, destroys local economies and the social-cultural fabric, and jeopardizes the identities of communities, be they farmers, pastoralists, fisherfolk, workers, dalits or indigenous peoples.” La Via Campesina, *Stop Land-Grabbing Now!*, Conference Declaration, Nyeleni, Nov. 2011. <http://viacampesina.org/en/index.php/main-issues-mainmenu-27/agrarian-reform-mainmenu-56/1127-stop-land-grabbing-now>.

18 “Regional Civil Society Consultation for Africa—The Final Declaration.” Brazzaville, 22 April 2012. [www.europafrika.info/en/cfs/regional-civil-society-consultation-for-africa-the-final-declaration-ety-organizations](http://www.europafrika.info/en/cfs/regional-civil-society-consultation-for-africa-the-final-declaration-ety-organizations).

land conflicts if the current trend of land allocation to foreigners is not reviewed. [...] There is fear that if the situation is left unchecked, there will be a repeat of feudalism with the farmers turning into serfs and serve for cheap labour on the acquired huge land. Hence there is dire need for African governments, when it comes to land acquisition, to give first priority to its citizens.”<sup>19</sup>

African small-scale producer organizations go far beyond the denunciation of abuses to state clearly their own proposals and strategies. The recently-published synthesis report of research on models of food production, consumption, and markets conducted by three regional producer networks—EAFF, PROPAC and ROPPA—documents the well-known, but conveniently ignored, fact that most of the food consumed in Africa is produced by family farms and reaches those that consume it without getting anywhere near the kind of “value chain” that the New Alliance is promoting. The summary of the synthesis report states the case in these terms: “Family farming is the basis for modern food provision in Africa, today and tomorrow. Its multi-functionality and sustainable productive potential is supported by extensive research evidence. Family farming and small-scale food production generates food and well-being for the majority of the population and the wealth of the region, and conserves its natural resources. It can ensure employment for young people within their territories, thus promoting social peace and attenuating migration. Innovative family farming, backed by appropriate research, supportive investments and adequate protection, can out-perform industrial commodity production. It provides the basis for the food sovereignty of communities, countries and sub-regions of Africa.”<sup>20</sup>

## THE ALLIANCE FOR A GREEN REVOLUTION IN AFRICA (AGRA)

Launched in 2006 by the Bill and Melinda Gates Foundation, in cooperation with multinational seed and biotechnology companies, AGRA was first initiative to promote African agricultural development through private investment. The majority of its funding comes from the Gates and Rockefeller foundations, United States Agency for International Development (USAID), International Development Research Center (IDRC), UK Department for International Development (DFID), the Danish Ministry of Foreign Affairs and the government of Kenya. Its focus is to promote soil health and productivity through synthetic fertilizers, to build efficient agricultural markets through the Alliance for Commodity Trade in Eastern and Southern Africa (ACTESA), and to lobby national governments to implement responsible policies. AGRA will be taking the lead in the G8 Alliance’s next phase of their shared commitment through the Scaling Seeds and Other Technologies Partnership, which focuses on increasing agricultural food production through strengthening Africa’s seed sector.

Gathuru Mburu<sup>21</sup> argues that these interventions are happening without consultation with the end beneficiaries (farmers) and despite warning by experts that the Green Revolution in Asia resulted in “a complete failure for the farmers but a huge profit for the industry.”<sup>22</sup> AGRA has failed to consider that the world has changed substantially since the Asian Green Revolution. The world is faced with many other challenging situations including depletion of natural resources, a rapidly changing climate, globalization and a financial crisis that is adamantly persisting. While AGRA acknowledges some of those recorded failures, and therefore attempts to modify the

- 19 “Mtandao Wa Vikundi Vya Wakulima Tanzania.” MVIWATA. [www.mviwata.org/?p\\_id=5](http://www.mviwata.org/?p_id=5).
- 20 EAFF, PROPAC, ROPPA, *Family farmers for sustainable food systems*. A synthesis of reports by African farmers’ regional networks on models of production, consumption and markets. A EuropAfrica report, June 2013. [www.europafrika.info/en/publications](http://www.europafrika.info/en/publications).
- 21 Gathuru Mburu is the General Coordinator of the African Biodiversity Network. He has gained valuable experience in working with local communities, especially revitalizing indigenous knowledge and its application in solving current ecological problems.
- 22 Hira Jhamtani, *The Green Revolution in Asia: Lessons for Africa*, TWN, ISD, FAO, 2010. [www.isd.org.et/Publications/Africa%20Books/AfricaBook\\_CH02%28Hira%29web.pdf](http://www.isd.org.et/Publications/Africa%20Books/AfricaBook_CH02%28Hira%29web.pdf); Thompson, Carol B. “How Healthy for Africans is the Alliance for a Green Revolution for Africa (AGRA)?” [www.seattleglobaljustice.org/wp-content/uploads/how-healthy-for-africans-is-the-alliance-for-a-green-revolution-for-africa-agra1.pdf](http://www.seattleglobaljustice.org/wp-content/uploads/how-healthy-for-africans-is-the-alliance-for-a-green-revolution-for-africa-agra1.pdf); See also: Africa Centre for Biosafety (ACB), *Alliance for a Green Revolution in Africa (AGRA): Laying the groundwork for the commercialisation of African Agriculture*, Johannesburg, Sept. 2012. [www.acbio.org.za/index.php/publications/seedfood-sovereignty/396-alliance-for-a-green-revolution-in-africa-agra-laying-the-groundwork-for-the-commercialisation-of-african-agriculture](http://www.acbio.org.za/index.php/publications/seedfood-sovereignty/396-alliance-for-a-green-revolution-in-africa-agra-laying-the-groundwork-for-the-commercialisation-of-african-agriculture); and read AGRA’s annual reports at: [www.agra.org](http://www.agra.org).

strategy in Africa to suit local circumstances, the manifestation on the ground shows that the end result might even be worse for Africa than it was for Asia.<sup>23</sup>

AGRA is pushing for hybrid seeds, biotechnology (including genetic modification), synthetic fertilizers, irrigation, credit provision and general commercialization of agricultural production in Africa, where most farmers are small-scale. This technological path to commercialization of African farming will lead to hefty profits for companies while further impoverishing African small-scale farmers. More seriously, the plant breeding program targeting indigenous crops is the newest form of bio-piracy that must be challenged to the end. Plant breeding by companies ends with patents, thereby taking away such bred plant materials from the public domain. When harmonization of agriculture-related laws happens across the continent, this will transform the continent into one huge “free trade area,” and lay the foundation for re-colonization of Africa, again, led by companies.

23 *Op. cit.* at 22 (a).

02b

## THE TRUE BENEFICIARIES OF AGRA’S “SOIL HEALTH PROGRAM”

### African Centre for Biosafety<sup>1</sup>

According to AGRA, agricultural production throughout Sub-Saharan Africa is hampered by poor quality soils. It contends that food sovereignty in the region could be realized if a combination of local organic and imported mineral fertilizers are offered as part of a larger sustainable development initiative.<sup>2</sup> In contrast, Gathuru Mburu, of the African Biodiversity Network Secretariat, is concerned that AGRA’s policies instead have severe negative consequences for local farmers including “hybrid imposter seeds, poor yields, loans, debts and chemical based agriculture.”<sup>3</sup> Although AGRA’s mandate is to promote food security for a more prosperous Africa through the sustainable agricultural growth of small-scale farming operations,<sup>4</sup> their methodology of incorporating inorganic fertilizer imports exacerbates reliance on foreign exports while financially backing exploitative industries.

Currently, Sub-Saharan Africa accounts for less than 1% of the world’s total fertilizer consumption. AGRA attributes this low-consumption trend to small-scale farmers’ lack of both access to adequate financial means and the knowledge to efficiently combine mineral and organic fertilizers to produce greater and sustainable yields. Accordingly, AGRA’s “Soil Health Programme” (SHP) has adopted an Integrated Soil Fertility Management (ISFM) initiative, which seeks to involve 15 million small-scale farmers in the program by 2019. In order to achieve this milestone, AGRA plans to boost the annual consumption of mineral fertilizers in the countries it operates to approximately 1.5 million tons over the course of its operation. This amounts to a staggering 85% increase in inorganic fertilizer usage in Africa over the next six years.

- 1 [The African Centre for Biosafety \(ACB\)](#) is a non-profit organization, based in Johannesburg South Africa. The ACB carries out research, analysis, advocacy and information sharing with key organizations in our network to foster and promote informed engagement with policies and decision-making that control production, distribution and access to food and resources.
- 2 The 2006 Abuja Declaration on Fertilizer for an African Green Revolution, issued by prominent African officials, echoes these sentiments.: [www.nepad.org/foodsecurity/knowledge/doc/1815/abuja-declaration-fertilizer-african-green-revolution](http://www.nepad.org/foodsecurity/knowledge/doc/1815/abuja-declaration-fertilizer-african-green-revolution).

The sheer scale of this task is reflected by the bewildering array of “implementation partners” AGRA lists in its SHP documents, including the African Development Bank, the International Fertilizer Development Centre among other various agricultural research centres. While AGRA initially promised \$198 million in funding towards the SHP, it expects private sector contributors to pledge the majority of the \$2–3 billion investment required for the successful implementation of the program.<sup>5</sup>

The global fertilizer industry is well represented in AGRA’s Soil Health Programme, presenting a concerning conflict of interest within the initiative. Specifically, AGRA has pledged \$25 million to establish the African Fertilizer and Agribusiness Partnership (AFAP), which has the stated goal to “at least double” total fertilizer use in the countries it will work in<sup>6</sup> through establishing “Agribusiness Contract Partnerships” to facilitate market access for agribusiness firms.

While welcoming a renewed interest in reviving African agriculture, beneath AGRA’s facade appears to be another highly prescriptive, top-down approach which will further marginalize Africa.<sup>7</sup> The overt emphasis placed on mineral fertilizers, the majority of which will have to be imported, risks locking African farmers into the inconsistencies of international markets, and has the potential to plunge rural farmers into continual debt, dispossession and dependency. Furthermore, it ignores a myriad of agroecological conditions throughout the continent, and the need for a correspondingly diverse range of strategies and technologies to complement these.

Millions of small-scale farmers in Africa do not have access to information about the various initiatives to improve agricultural production on the continent. Given the overwhelming resource imbalance in favor of ‘Green Revolution’ initiatives, small-scale farmers are not being offered a range of choices or opportunities to investigate different possibilities in practice. Information on the benefits of ‘Green Revolution’ technologies and techniques, and on the alleged necessity of shifting from agriculture as a way of life to agriculture as a business,<sup>8</sup> far outweighs information on the possible downsides to the introduction of these technologies. Farmers ultimately need to make their own choices about what works best for them. But if the information they receive is biased, those with the most resources effectively make this choice for them.

The African Centre for Biosafety is committed to supporting and strengthening the ability of small-scale farmers to make informed choices about the types of production they seek to engage in. In this regard, we are committed to building the knowledge base on seed and soil fertility in practice by enabling small-scale farmers and their organizations in the region to understand the options available as well as the limits and possibilities of these different options in their specific contexts. It is therefore imperative to consult farmers and their organizations regarding the limits and possibilities of various alternative agricultural techniques and technologies for small-scale production.

We call upon AGRA to demonstrate its true commitment to African agriculture, and divert more of its resources to this end. There is no doubt that AGRA has the resources to do this; whether it has the political will is another matter entirely.

3 An Interview with Gathuru Mburu from African Biodiversity Network Secretariat: [www.africanbiodiversity.org/content/interview\\_gathuru\\_mburu\\_african\\_biodiversity\\_network\\_secretariat](http://www.africanbiodiversity.org/content/interview_gathuru_mburu_african_biodiversity_network_secretariat).

4 AGRA: Vision and Mission. [www.agra.org/who-we-are/about-the-alliance-for-a-green-revolution-in-africa/](http://www.agra.org/who-we-are/about-the-alliance-for-a-green-revolution-in-africa/).

5 AGRA, *A Proposal for a Soil Health Programme of the Alliance for a Green Revolution in Africa*, 2007. <http://knowledgebase.terrafrica.org/ter-documents/ter-view-doc/?uid=44739>.

6 Currently Ghana, Mozambique, and Tanzania.

7 *Op. cit.* at 3.

8 The words of former Nigerian President, Olusegun Obasanjo, quoted approvingly at the start of AGRA’s 2010 annual report—AGRA 2010 “AGRA 2010: Driving real change”. [www.agra-alliance.org/download/4fbdeebf96451](http://www.agra-alliance.org/download/4fbdeebf96451).

## THE SCALING UP NUTRITION (SUN) INITIATIVE

Claudio Schuftan and Ted Greiner<sup>1</sup>

The Scaling Up Nutrition (SUN) Initiative emerged from a World Bank initiative in 2009, and calls itself a global “movement” that unites governments, civil society, businesses and citizens in a worldwide effort to end under-nutrition. While SUN now says it promotes government-led initiatives, its fundamental approach is entrenched in the frequent donor-driven emphasis on market-led “product” and high-tech solutions to malnutrition, rather than on community-based solutions rooted in human rights and equity. It thus threatens to further bias development assistance by involving the private sector at all levels, e.g., by encouraging low-income governments to enter into “partnerships” and to set up “platforms” with businesses (and their not-for profit front groups). In doing so, it leaves the issue of conflict of interest wide open. This approach conflicts with World Health Assembly resolutions which call for safeguards against conflicts of interest in policy development and implementation of nutrition programs, thus leaving policy and direction to those who have a duty to protect public health. While businesses can play a role in development, their fiduciary duty lies first with shareholders, not with public health. SUN’s promotion of partnerships with businesses thus provides corporations with unprecedented opportunities to influence national, regional and global policies.<sup>2</sup>

The Global Alliance for Improved Nutrition (GAIN), discussed in the *Watch 2012*, is a member of SUN’s Lead Group. It claims to address malnutrition, but also strives to facilitate the opening up of markets for its 600 partner companies (among others, Danone, Pepsico, Coca Cola, Britannia).<sup>3</sup> Together with its baby food company members, GAIN has been pushing for WHO/FAO global food standards to be weakened so as to allow marketing of a whole new range of fortified products for infants and young children. GAIN’s application for official NGO relations status with WHO was not approved by the WHO Executive Board in January of 2013, pending answers to questions about its relations with global corporations, and allegations about its lobbying against World Health Assembly resolutions on baby foods.<sup>4</sup>

The Special Rapporteur on the right to food, Olivier De Schutter, has warned SUN that it must not dismiss explicitly aligning its initiatives with human rights, including the right to food, i.e., not “overlook the entitlements that have been established under international law for women, children, minorities, refugees and internally displaced persons, and other groups that may be subjected to marginalization and discrimination”.<sup>5</sup>

But there is more to be concerned about the SUN initiative: Serious conflicts of interest exist on SUN’s lead policy setting board; SUN has created the opportunity for commercial food companies to have an influential role in the UN system’s food and nutrition governance and policy decision-making; the SUN initiative does not explicitly acknowledge the structural causes of all forms of malnutrition; and SUN

- 1 [Claudio Schuftan](#) is one of the founding members of the People’s Health Movement (PHM). He is widely recognized for his work as a free lance health consultant and his numerous publications. [Ted Greiner](#) is currently a professor of nutrition in a Korean university and has decades of experience and a publication record in international nutrition. He is the Chair of the NGO/Civil Society Constituency of the United Nations System Standing Committee on Nutrition.
- 2 SUN Movement status and claims at a Glance (March 2013): 34 countries; 32 focal points nominated; 30 countries with established multi-stakeholder platforms; 21 countries reported to have cost nutrition plans already endorsed or being finalized; 13 countries already reducing stunting at an annual rate of 2% and above; 50 million of stunted children under 5 reached by the program.
- 3 “Business Alliance Members.” *GAIN*. [www.gainhealth.org/partnerships/business-alliance/members](http://www.gainhealth.org/partnerships/business-alliance/members).

risks increasing low-income countries' dependence on inappropriate import products and foreign expertise.

A disproportionate percentage of SUN's initial budget is allocated to curative interventions in part based on commercial ready-to-use therapeutic foods. Despite the involvement of civil society organisations, SUN is still a top-down UN-and business-led initiative; and it is a misnomer to call it a "movement" because the involvement of international public- and business-interest NGOs does not make it bottom-up. Participating food corporations can use SUN to whitewash their activities, giving them invaluable public relations benefits.

For all of the above reasons, movements that are critical of the SUN approach have good reason to be reluctant to seek participation in the initiative. While the authors do support SUN's call for multi-sectoral action on nutrition, and do recognize that many non-private organizations are working hard under the SUN umbrella to tackle malnutrition, they cannot support a strategy that allows commercial private entities (or their front bodies such as GAIN) to be on SUN's lead group or on country platforms.

Not surprisingly, SUN does not comment on the possible harmful impact of the marketing of member companies' ultra-processed foods on local food cultures and their contribution to obesity and non-communicable diseases. Despite its insistence that it supports breastfeeding, we see no way in which SUN can prevent companies from using their public relations and their access to policy-making to damage the funding, support and protection of sustainable food cultures and optimal infant and young child feeding. It is only a matter of time before companies begin using the entry point SUN allows them to gain improper access to parents while pretending they are only interested in "promoting breastfeeding." This is, of course, forbidden by the International Code and WHA resolutions. We believe that the risks of what is said here need to be independently researched, acknowledged and addressed.

- 4 The WHO's Executive Board (EB) decided to: "[...] postpone consideration of the application for admission into official relations from The Global Alliance for Improved Nutrition to the Executive Board's 134<sup>th</sup> session, and requested that the following information be provided to the Board through its Standing Committee on Nongovernmental Organizations: information concerning the nature and extent of the Alliance's links with the global food industry, and the position of the Alliance with regard to its support and advocacy of WHO's nutrition policies, including infant feeding and marketing of complementary foods." WHO's Executive Board (EB), "Relations with Non-governmental Organizations." 28 January 2013. [http://apps.who.int/qa/ebwha/pdf\\_files/EB132/B132\\_R9-en.pdf](http://apps.who.int/qa/ebwha/pdf_files/EB132/B132_R9-en.pdf); see also IBFAN, "GAIN—industry's Trojan Horse fails to enter WHO's policy setting process," press release, 29 January 2013. <http://babymilkaction.org/pressrelease/pressrelease51jan13>.
- 5 "Compilation Prepared by the Office of the United Nations High Commissioner for Human Rights, in Accordance with Paragraph 10 of Human Rights Council Resolution 16/22." United Nations General Assembly, 26 Dec. 2011. [www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.50\\_English.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/19session/A.HRC.19.50_English.pdf).

## WAYS FORWARD

As Nora McKeon<sup>1</sup> aptly points out, African peasants have their own ideas on how to meet the growing demand for food. Moving forward, they identify some key points about how to promote methods of agricultural development which fulfil their fundamental needs. First and foremost, investment in family farming and small-scale food production will improve food provision, social and environmental sustainability and safeguard livelihoods for the majority. Participatory research in support of, and determined by, family farmers and small-scale food producers is required to enhance the adaptive capacity and resilience of food provision. Sustainable sources of credit, social protection measures, grain reserves, and livestock resources are needed to strengthen the resilience of family farming and local food systems. Guaranteeing rights of access to and control over productive resources—land, water, agricultural biodiversity—is also essential to support family farming and small-scale food production and resilient food systems.

To build a sustainable food system for the future, research and data collection need to prioritize the means by which the majority of people access food; thus, it is critically important to actively seek information on the informal and mostly “invisible” production, processing and trade within the food system.

Most of the investment schemes described above have almost a single-minded focus on markets, with an approach that often usurps any control that family farmers have over the marketing of their products. Going forward it will be essential to strengthen and build agricultural and food markets which are within the control of family farmers and small-scale food producers, support of socially and environmentally sustainable production, and provide accessible quality food for consumers. In this regard, the public sector has an essential role to play by tailoring national investment frameworks, policies and programs to support the needs of family farmers. With effective and decisive engagement in policy processes and practical implementation, family farmers and small-scale food producers will become architects of their own futures and that of society at large.

<sup>1</sup> These key steps forward are proposed in the synthesis report by EAFF, PROPAC and ROPPA (2013). Cited by *Nora McKeon* in box 1.

# 03

## RESISTANCE AND ALTERNATIVE VISIONS

This article focuses on the perspectives of social movements concerning resistance and alternative visions to the policies that generate hunger and poverty. It offers three examples of initiatives that illustrate alternative perspectives: agroecology, urban-rural community support networks for farming, and the process towards new human rights-based framework policies.

### 03a

## PERSPECTIVES OF SOCIAL MOVEMENTS

Nadine García and Angel Strapazzón<sup>1</sup>

Poverty reduction and food security are almost unattainable goals for at least one billion people on the planet. High levels of hunger, inequality in income, land, water, seeds and other resources as well as ecological degradation are persistent and increasingly intense global problems. Despite billions of dollars spent on “aid”, “development” and “technological advances”, the situation has not improved. In fact, it is becoming worse. There is no doubt that the increased cost of energy, ecological degradation and the deterioration of the climate are key factors which undermine mankind’s ability to feed itself. It must be considered that the current agro-industrial model is highly dependent on fossil fuels. Its limits and vulnerabilities are largely due to its low diversity and narrow genetic base.<sup>2</sup>

These current agricultural, consumer and trade models have caused substantial damage to productive resources for the majority of farmers in poor countries. Furthermore, they have reduced the productive capacity by deteriorating resources like soil, water and air. Consequently, peasant farming has become much more vulnerable and dependant on external production supplies and techniques. On the other hand, land grabbing is causing the expulsion of millions of farmers and indigenous communities from their territory, leaving them culturally uprooted and unprotected in an industrial society in which they are invisible. Industrial production and consumption of food are increasingly contributing to global warming and the destruction of thousands of rural communities.

Today, more than ever, we are called upon to reflect and to pay more attention to the discourse, wearily repeated over decades by political and economic powers, claiming that growth/development are good for reducing unemployment, guaranteeing pensions, reducing inequalities and protecting the environment. But what if growth is not the solution, but the problem? Is it not currently a factor contributing to the global crisis, a threat to the planet and an obstacle to welfare? What types of growth or development are we talking about, or are we informed about? What alternatives do we have?

1 [Nadine García, Nicaragua, and Angel Strapazzón, Argentina, work with the Latin American Coordination of Rural Organizations—La Vía Campesina \(CLOC-LVC\).](#)

2 Altieri, M. & V.M. Toledo. “The Agro-Ecological Revolution of Latin America: Rescuing Nature, Securing Food Sovereignty and Empowering Peasants.” *The Journal of Peasant Studies*, Vol. 38, No. 3, July 2011, pp. 587–612.

History shows that all major crises comprise aggregated, specific, localized crises where workers, men and women, and the masses in general have paid the price with enormous effort and sacrifices. Yet in the 20<sup>th</sup> century and particularly its last decades, not only were the exploited people aggressively pushed to deliver more rewards to the markets, but also nature was vigorously exploited as all our biodiversity was turned into merchandise with the objective of creating new consumer waves in the global market. Market forces will not stop or listen to the cries and complaints of humans. Their metabolism needs more and more goods as sustenance and will therefore seek out more common natural resources to meet their needs.

Some 19<sup>th</sup> century philosophers have observed that the bourgeoisie not only needs to be established around the globe, but in order to survive, it also needs to constantly modernize the means of production. This results in the modification of production relations as well as, through consumption, in a decline in social relations, behavior, ethics and values.

In the dynamic behavior of contemporary societies, capital is a force used in forming the consciousness of people, reducing it to a common belief using mass media, which in reality “pumps disinformation.”<sup>3</sup> The media has managed to make what is perverse and destructive to nature or to local communities seem beneficial and justifiable to the public in a universal manner.

Neo-liberalism elevated the superiority of the bourgeoisie, which increased its power of exploitation and domination, and effectively demobilized social forces. While the bourgeoisie manage the crisis of capital while maintaining their profits, the workers and popular masses wander amidst their own destruction, unable to find a place where they can reposition their forces in another manner and resume the offensive.<sup>4</sup>

The current offensive of capitalist forces trying to dominate nature’s resources from which they need to extract more raw materials, is not only their last stronghold to produce new goods, but also a means to attack human beings and the political being who is led to accept the principle of being represented and abandons any interest in meaningful political participation.

Considering that it is the same capitalist interests and, in many cases, the same companies that plunder populations all over the world, disputes must be dealt with at an international level. Struggles for political, economic, ideological, cultural and food sovereignty, etc., cannot ignore the solidarity between people who live in rural communities and those in large cities. These people can be emancipated only by international unity.

“We are here, the peasants and rural peoples of the world, and we refuse to disappear.”—Declaration of Maputo, *La Via Campesina*<sup>5</sup>

The Latin American Coordination of Rural Organizations (CLOC) and the Via Campesina learn daily of the importance of alliances and cooperation when confronted with the same capitalist companies all over the world. These companies use the political and military forces of the host state for their own interests, to the detriment of human and social rights of the local people. The transformation of assets into goods is a goal that is at the core of capitalist expansion. Only a clearly articulated international struggle can bring this to a halt and preserve the planet and its biodiversity.

In this joint struggle, the peasant organizations counter the concept of food security with that of food sovereignty. The notion of food sovereignty suggests that “[...] food is not a matter of the market; food is a matter of sovereignty”; thus the right

3 Ramonet, Ignacio, and De Imperial, Lluís Miralles. *Irak: Historia De un Desastre*. Madrid: Debate, 2005. p. 160.

4 Bogo, Ademar, “El otro mundo necesario”, *El Libro abierto de la Via Campesina: celebrando 20 años de luchas y esperanza*, Mayo de 2013. <http://viacampesina.org/downloads/pdf/openbooks/ES-02.pdf>. Several articles from La Via Campesina’s Open Book are available in English at the following address: <http://viacampesina.org/en/index.php/component/content/article?id=1409>.

5 “Declaration of Maputo: V International Conference of La Via Campesina.” La Via Campesina: International Peasant’s Movement, Maputo, Mozambique, 19–22 Oct. 2008. <http://viacampesina.org/en/index.php/our-conferences-mainmenu-28/5-maputo-2008-mainmenu-68/declarations-mainmenu-70>.

to food and sovereignty in the production of foods is not negotiable.<sup>6</sup> This transformative concept constitutes a breach in relation to the organization of agricultural markets imposed by the World Trade Organization (WTO).

In April of 2010, at the People's Conference on Climate Change in Cochabamba, it was agreed that food sovereignty refers to "the right of peoples to control their own seeds, lands, water, and food production, thereby guaranteeing, through forms of production that are in harmony with Mother Earth and appropriate to local cultural contexts, access to sufficient, varied and nutritious foods in complementarity with Mother Earth and deepening the autonomous (participatory, communal and shared) production of every nation and people."<sup>7</sup>

In this proposal, new visions and concepts reflect the philosophy of the Sumak Kawsay, meaning "Good Life" or "Good Living," a concept originating from the Andean ancestral inheritance as an alternative emanating from the people. This concept promotes more sustainable and less consumer-based relationships with nature, as a clear alternative choice in the face of the developmentalist model of "better living."<sup>8</sup>

This is an approach that is in harmony with the principles of feminist economics, which also places the well-being of people at the center of the system and seeks a new vision of human sustainability through the recognition of the diversity of people and their integration.<sup>9</sup>

For the movement, opting for food sovereignty has influential consequences at various levels; it involves a radical change in current commercial production-oriented policies; moving from export-oriented industrial production to small peasant production, thereby encouraging lifestyles consistent with sustainability, redistribution, justice and fairness.

It is important today because it poses an alternative to a model that has generated serious problems in global food and agriculture. It serves as a proposal for a future based on principles such as the autonomy and self-determination of the peoples.<sup>10</sup>

Throughout the existence of the Via Campesina, women have been present and have actively participated on all topics and in all struggles, hand-in-hand, and in solidarity with the men, offering political analysis, experience and energy to the shared objective of creating a future that is more just, equal, peaceful, ecological and life-giving.<sup>11</sup>

The proposal for food sovereignty is aligned with gender equality. It aims to reclaim the value of the social and historical role of peasant women in the creative process of food production. It is assumed that this will contribute to the recognition of their quality as subjects and citizens, and make amends in gender social relations, in relation to the invalidation of women's participation based on the historic patriarchal division of labor.<sup>12</sup>

Beyond the constant struggle for the right to food, are the rights of men and women peasants who suffered devastating effects from the global crises. As small food producers, they have rights which are fundamental to their futures. The Via Campesina movement agrees and advocates the need for an International Convention on Peasant's Rights—Women and Men, because it recognizes that international mechanisms and conventions are limited, especially for the protection of small farmers from the consequences of neo-liberal policies.<sup>13</sup> A decade ago, the Via Campesina launched the campaign to create an international instrument that respects, protects, completes and promotes the rights of peasants, women and men. This includes the advancement of legally binding mechanisms at local and national levels to guarantee the implementation of rights.

- 6 Inspired by Pamela Caro, "Soberanía alimentaria: aproximaciones a un debate sobre alternativas de desarrollo y derechos de las mujeres", *El Libro abierto de la Vía Campesina: celebrando 20 años de luchas y esperanza*, Mayo de 2013. This text is available in English at the following address (see p. 5): [www.awid.org/content/download/120099/1365617/file/FPTTEC\\_FoodSovgnty\\_ENG.pdf](http://www.awid.org/content/download/120099/1365617/file/FPTTEC_FoodSovgnty_ENG.pdf). In addition, several articles from La Via Campesina's Open Book are available in English at the following address: <http://viacampesina.org/en/index.php/component/content/article?id=1409>.
- 7 "Peoples Agreement: Final Declaration of the World People's Conference on Climate Change and the Rights of Mother Earth." *Environmental Justice*. Transnational Institute (TNI), Cochabamba, 19–22 Apr. 2010. [www.tni.org/declaration/peoples-agreement](http://www.tni.org/declaration/peoples-agreement).
- 8 Acosta, Alberto and Esperanza Martínez, comp. *El buen vivir. Una vía para el desarrollo*. Abya Yala: Quito. 2009.
- 9 *Op. cit.* at 6.
- 10 León Irene. "Gestoras de Soberanía Alimentaria". Febrero de 2008. [www.fedaeps.org/alternativas/gestoras-de-soberania-alimentaria](http://www.fedaeps.org/alternativas/gestoras-de-soberania-alimentaria).
- 11 Wiebe, Nettie. *Women of the Vía Campesina: Creating and Occupying our Rightful Spaces*. The Via Campesina's Open Book: Celebrating 20 Years of Struggle and Hope. May 2013. [www.viacampesina.org/downloads/pdf/openbooks/EN-01.pdf](http://www.viacampesina.org/downloads/pdf/openbooks/EN-01.pdf).
- 12 *Op. cit.* at 10.
- 13 "Declaration of Rights of Peasants—Women and Men." La Via Campesina: International Peasant Movement, March 2009. <http://viacampesina.net/downloads/PDF/EN-3.pdf>.

Thus we do not only believe that another world “is possible”, but that it is necessary. We will continue resisting and fighting for a world based on food sovereignty, where agriculture is managed by peasants as an alternative to neo-liberal globalization; a world which favors the rights of peoples and nature and against corporations; a world in which food production is rooted in peasant sustainable production in harmony with Mother Earth (Via Campesina, 2011).<sup>14</sup>

## VISION

“We envision a world where those who produce, distribute and need food are at the heart of food, agricultural, livestock, forestry and fisheries systems and policies: a world where food production is rooted in environmentally sustainable production, under local control and honoring ancestral knowledge, whilst guaranteeing the possibility of a diversified and healthy diet and nutritional well-being; a world where trade policies and practices will serve the rights of peoples to safe, healthy and ecologically sustainable production and consumption; a world where the interests of the next generation will be included, and a world where new social relations are free from oppression and from the inequalities of class, ethnicity, caste, gender, religion.

We envision a world where the role of the state is reaffirmed and where states uphold their responsibility to protect and promote democracy, as well as respect and strengthen food and peoples’ sovereignty as well as peoples’ self-determination, especially that of indigenous peoples.

Land, oceans, rivers, forests and all of nature are much more than a means of production; they are the very basis of life, culture and identity, and fulfill crucial social, cultural, spiritual and environmental functions. We envision genuine agrarian, fisheries, pastoralist and forest reforms that guarantee access to, and the sharing of, productive territories and other resources, free from the threat of large scale land and other natural resources privatization, loss and eviction.

Our vision is deeply rooted in the human rights framework and seeks to seamlessly integrate the concepts of food sovereignty, the right to food and food and nutrition security. The indivisibility of rights is a core principle that is fundamental to the human rights approach. Accountability is another core principle that must be respected and protected by all actors (state and non-state); impunity of violations against these rights must be overcome.”<sup>15</sup>

- 14 “Agricultura Campesina Sostenible.” La Via Campesina, Abril de 2012. <http://viacampesina.org/es/index.php/temas-principales-mainmenu-27/agricultura-campesina-sostenible-mainmenu-42/1321-bolivia-1o-jornada-internacional-de-agroecologia-y-soberania-alimentaria>.
- 15 Inspired by the Civil Society Working Document on the Global Strategic Framework for Food Security and Nutrition, December 2011. [www.csm4cfs.org/files/SottoPagine/41/cso\\_working\\_document\\_on\\_the\\_gsf\\_december\\_2011\\_en.pdf](http://www.csm4cfs.org/files/SottoPagine/41/cso_working_document_on_the_gsf_december_2011_en.pdf).

03b

## AGROECOLOGY—AN ALTERNATIVE WAY TO ENSURE FOOD SECURITY

Christine Campeau<sup>1</sup>

In a world challenged by climate change and a rising population, there is a pressing need for smarter, more efficient and fairer ways to produce food. A 2008 report by

the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD) stressed that in order to feed the more than 9 billion people that will inhabit the Earth by 2050, we urgently need to adopt the most effective farming systems, and support a shift towards agroecology as a means of sustainably increasing food production and improving the welfare of the people and communities living in poverty.

Agroecology combines the sciences and practices of agronomy and ecology, while adapting to the circumstances of each farm or region. Its methods aim to increase productivity through enhancing natural and sustainable processes, using local knowledge and experimentation.<sup>2</sup>

This promotes a circular system of production—enhancing the recycling of biomass to optimize organic decomposition and increase nutrients over time. Modern industrial agriculture, in contrast, is a linear system of production which relies on expensive external inputs, such as chemical fertilizers and pesticides.

There are a numerous benefits of using an agroecological approach. Healthier soil means improved water and nutrient retention, while a greater variety of genetic resources leads to a better growing environment for plants. Water is not contaminated by synthetic inputs. Habitats for mutually beneficial wildlife are created through the minimization of carbon emissions. This means that farmers can reduce their dependency on purchasing patented seeds, chemical fertilizers and herbicides, and equipment dependent on fossil fuels. Diversifying crops also avoids the vulnerabilities in production and marketing which farmers would otherwise face if they relied on only one crop. Most importantly, it increases the ability of communities to feed themselves with nutritious foods and provides new income and livelihood options.

Researchers studying the adoption and diffusion of agricultural technologies have identified a number of constraints ranging from technical issues (such as lack of information by farmers and extension agents) to policy distortions, market failures, lack of land tenure and infrastructural problems. In order to further spread agroecology among farmers, it is essential to overcome these challenges.

It is imperative that small-scale farmers have access to and control over their land, their traditional seed varieties, and water. Farmer-to-farmer networks should be supported to further promote a horizontal process of exchange of expertise among farmers.

In order to achieve this, major reforms must be made in policies, institutions, and research and development agendas. Governments should provide funds to small-scale farmers so that they can develop appropriate technologies, as well as access credit and insurance against weather-related risks.

Small-scale farmers also need to be able to access local and regional markets that return fair prices for their produce, and governments should implement systems to absorb produce into their public procurement schemes.

Agroecology produces more food, improves income for farmers and provides food security for the local communities they feed. It entails very low transaction costs and delivers huge returns on the investment, both socio-economic and for the environment, and should therefore be further strengthened.

1 [Christine Campeau is the Food for Life Campaign Coordinator of the Ecumenical Advocacy Alliance \(EAA\).](#)

2 See EAA, *Nourishing the World Sustainably, Scaling up Agroecology*, 2012. [www.e-alliance.ch/typo3conf/ext/naw\\_secured/secure.php?u=0&file=fileadmin/user\\_upload/docs/All\\_Food/2012/AgroEcology/2012\\_10\\_ScalingUpAgroecology\\_WEB\\_.pdf&t=1374011892&hash=881b23d0a04b73adb3fe7cf6580ed01](http://www.e-alliance.ch/typo3conf/ext/naw_secured/secure.php?u=0&file=fileadmin/user_upload/docs/All_Food/2012/AgroEcology/2012_10_ScalingUpAgroecology_WEB_.pdf&t=1374011892&hash=881b23d0a04b73adb3fe7cf6580ed01).

## THE URBAN-RURAL NETWORK URGENCI: GENERATING NEW FORMS OF EXCHANGE BETWEEN CITIZENS

Judith Hitchman<sup>1</sup>

URGENCI<sup>2</sup> is the global network of Community Supported Agriculture (CSA) initiatives, networks and associations. It boasts large numbers of members in Europe (27 countries), most regions of Asia, North America and to a lesser extent, Latin America and Africa. By promoting a direct circuit between farmers and consumers, “farm-to-fork” initiatives, URGENCI helps an increasing number of small-scale family farmers and consumers build an alternative to corporate-controlled industrial food distribution, and supports local food sovereignty.

A CSA is an association or network of individuals who have pledged to support one or more local farms. While this can take many forms, they all are based on a solidarity partnership between producers and consumers and committed to sharing both risks and rewards of the harvest. CSAs essentially help decommodify food and allow producers to be paid a fair price for their produce. In exchange, the consumers receive fresh, organic local produce. In many cases CSAs also include “solidarity boxes” for members who are facing financial difficulties. They are also commonly active in many Community Land Trusts which help new producers secure land, and preserve it for urban and peri-urban agriculture. Incubator CSA projects, such as in the Paris region, in the Hyogo province of Japan or near Monterey, California, where newly established young farmers can learn and test their ideas, are another interesting part of the evolving concept. The degree of involvement of consumers in the farm varies from country to country, and indeed from one CSA to another. These aspects, when combined with genuine farmers’ markets and public procurement policies, enable groups of small-scale local farmers to jointly provide for schools and other local public canteens and are an essential part of securing local food sovereignty.

There is no “one-size-fits-all” model: culture and country-specific habits all vary. In Mali, there are dedicated market stalls where people pick up the CSA boxes which include fruit, vegetables, chickens and eggs. Payment is made on a weekly basis, but commitment is for the full year. In Cloughjordan, Ireland’s famous eco-village, members of the CSA farm come and help themselves to what they need on a trust-basis. Payment is annual and on a sliding scale, depending on the size of the family and the status of individuals (the retired or unemployed pay less per capita).

URGENCI brings together various associations and networks, and through them, small-scale family farmers, consumers and activists promote this concept, raise awareness and explain how CSAs can contribute to food sovereignty. Promoting Community Land Trusts and carrying out advocacy at national and international levels is another key role played by URGENCI in securing local food sovereignty. It has advocated against genetically modified organisms, industrial agriculture and dumping, and promoted agroecology and other organic solutions. At the continental level it has worked towards improving the EU Common Agricultural Policy (CAP),

<sup>1</sup> [Judith Hitchman](#) represents the URGENCI network as a consumer constituency member in the Civil Society Mechanism of the Committee for World Food Security. She is also responsible for advocacy on behalf of the network.

<sup>2</sup> For more information on the Urban-Rural Network, URGENCI, please visit: [www.urgenci.net](http://www.urgenci.net).

and ensuring fair laws on immigration in the USA. At the local level, the network has worked with authorities in their land and procurement policies and has promoted community managed resources (ex. collective kitchens), the empowerment of civil society's right to decide on local food policies, the relocalization of agricultural employment, rights- and equality-based jobs for all, free access to farmers' seeds as well as local community-managed resources, such as land and water.

03d

## A HUMAN RIGHTS-BASED GLOBAL FRAMEWORK FOR FOOD SECURITY AND NUTRITION

Martin Wolpold-Bosien<sup>1</sup>

The Global Strategic Framework for Food Security and Nutrition (GSF) is the first global framework in this area that was adopted by a consensus of governments and that systematically mainstreams the right to adequate food and the human rights approach into policies relevant to food security and nutrition at the global, regional and national levels. Compared to similar global frameworks on food security and nutrition, such as the Declarations of the World Food Summits of 1996 and 2009 or United Nations' Updated Comprehensive Framework of Action, the GSF is without any doubt the most advanced in incorporating and mainstreaming the right to adequate food.

After two years of consultations, the First Version of the GSF was adopted by consensus during the 39<sup>th</sup> session of the Committee on World Food Security (CFS) in October of 2012.<sup>2</sup> According to the decision made by the CFS, "the main added value of the GSF is to provide an overarching framework and a single reference document with practical guidance on core recommendations for food security and nutrition strategies, policies and actions validated by the wide ownership, participation and consultation afforded by the CFS".<sup>3</sup> The GSF is a dynamic, living document that reflects the current international consensus among governments, which will be regularly updated to include outcomes and decisions of the CFS.<sup>4</sup> Social movements and other civil society groups have engaged with the process of elaboration of the GSF and expressed that the GSF constitutes a step forward in promoting a new model of governance on food, agriculture, and nutrition.

The GSF is based upon the vision of the reformed CFS, which is to "strive for a world free from hunger where countries implement the voluntary guidelines for the progressive realization of the right to adequate food in the context of national food security".<sup>5</sup> It is noteworthy that the GSF reaffirms the obligations of state parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR), to respect, protect and fulfill the human right to adequate food through national, regional and global policies, despite the fact that the GSF, as such, is not a legally

1 [Martin Wolpold-Bosien](#) is Coordinator of the Right to Adequate Food Program at FIAN International.

2 CFS, Global Strategic Framework for Food Security and Nutrition, Thirty-ninth session, 15–20 October 2012, CFS 2012/39/5 Add.1. [www.fao.org/docrep/meeting/026/ME498E.pdf](http://www.fao.org/docrep/meeting/026/ME498E.pdf).

3 *Ibid.*, para. 7.

4 CFS, "First Version of the Global Strategic Framework for Food Security and Nutrition (GSF). Preamble and Decision Box," Thirty-ninth Session, 15–20 October 2012, Agenda Item V.b, CFS 2012/39/5, para. 5. [www.fao.org/docrep/meeting/026/me597e.pdf](http://www.fao.org/docrep/meeting/026/me597e.pdf).

5 *Op. cit.* at 2, para. 4.

binding document. The GSF builds on a holistic understanding of rights holders and the articulation of their claims. The GSF, therefore, explicitly gives priority attention to small-scale food producers such as small-holder farmers, agriculture and food workers, artisanal fisherfolk, pastoralists, indigenous people, the landless, women and youth, throughout the document. In several sub-chapters on policies and programs, essential human rights guidance is given to actors in different specific policy areas.

The GSF encourages CFS stakeholders to promote international coordination and coherence based on the consensus reached in the GSF, particularly with the aim of the progressive realization of the human right to adequate food. The range of actors being targeted by the GSF is not limited to a small group of food security and nutrition practitioners in developing countries. The CFS decision of October 2012 explicitly “encouraged all stakeholders to promote and make use of the First Version of the GSF when formulating strategies, policies and programs on food security, nutrition, agriculture, fisheries and forests”.<sup>6</sup> In that sense, the human rights coherence principle of the GSF is directed to all stakeholders at the local, national and global level, who make decisions with direct or indirect impact on food security and nutrition in their own country or abroad.

The GSF recognizes the importance of accountability for advancing the progressive realization of the right to adequate food, and the need for monitoring of right to food indicators. The GSF also underlines that monitoring and accountability systems on food security and nutrition, shall be human rights based, with particular reference to the right to adequate food.

6 *Op. cit.* at 4, Decision iv.

# 04

## CONFRONTING STRUCTURAL VIOLENCE, CHANGING POLICY: WOMEN'S ORGANIZATIONAL STRATEGIES FOR OVERCOMING DISCRIMINATION AND HUNGER

Anne C. Bellows<sup>1</sup> and Carsta Neuenroth<sup>2</sup>

Many recognize that in all groups, no matter how marginalized or elite a group is, women and girls consistently face more economic and social insecurity than their male counterparts. In response, many programs and policies call for change. But the gaps between men and boys, and women and girls—within those different social groups—continue to exist. Why? Some policy makers try proactively to address discrimination through attempts to change discriminatory conditions through law and regulation. Sometimes those policies help; other times they have unintended negative consequences. Even more often, however, policy makers continue to simply ignore women and their concerns, because women play too small of a role among the policy decision-makers. A useful thing to remember is that the development of effective policies has a dialectical quality: sometimes the public sector is the protagonist for social policy striving to change or amend customary injustices and discrimination; other times, public interest civil society actors must force recalcitrant public actors to reform archaic or non-functioning rules and principles that interfere with women's human rights. Often both are occurring simultaneously with varying levels of political will to back them up.

Varying forms of social, physical, and psychological violence reinforce discriminatory systems that maintain the barriers to women's and girls' capability to achieve their right to adequate food and nutrition which supportive policies alone often cannot overcome. Active civil society groups use the terminology of violence to explain land grabbing or structural adjustment programs that cut social protection in the fight for people's sovereignty over their right to adequate food and nutrition. Similarly, violence describes the active and passive denial of women's human rights generally, and more specifically to adequate food and nutrition. Here are definitions for violence and discrimination with which we work.

Violence targets individual and group survival, wellbeing, freedom and identity, and is realized through "avoidable insults inflicted on basic human needs and more generally life, and lowering the real satisfaction level of needs below what is potentially feasible."<sup>3</sup> Multiple forms characterize violence. Directed, aggressive violence of a physical or psychological nature is only one. Galtung introduces two other forms of violence: structural,<sup>4</sup> and later, cultural<sup>5</sup>. Direct violence is identified by an event entailing either a passive threat or active force. Structural violence, however, is a process aligned with social injustice that "is built into social structure and shows up as unequal power and consequently as unequal life chances."<sup>6</sup>

The UN Committee on Economic Social and Cultural Rights (CESCR) published its 20<sup>th</sup> General Comment on non-discrimination, an interpretation of article 2, paragraph 2 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR). In General Comment 20, *discrimination* is defined as: "any

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3 Galtung, J. "Cultural Violence." *Journal of Peace Research* 27.3, 1990: 291–305. p. 292.

4 Galtung, J. "Violence, Peace, and Peace Research." *Journal of Peace Research* 6.3, 1969: 167–191.

5 Galtung, J. 1990. *op cit.* at 3.

6 Galtung, J. 1969, *op cit.* at 4. p.170–171.; Paragraph taken from Bellows AC, and Jenderedjian A. Chapter 2, Violence and Women's Participation in the Right to Adequate Food and Nutrition, in Bellows AC, Valente FLS, Lemke S (eds.) *Gender, Nutrition, and the Human Right to Adequate Food*. Forthcoming from Routledge.

distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination and which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of Covenant rights. Discrimination also includes incitement to discriminate and harassment.”<sup>7</sup>

The four studies in this section on women’s organizational strategies demonstrate that the persistence of women’s denial of equal access to a right to adequate food and nutrition grows from ingrained violence and discrimination against them.

The great irony is that the most food insecure are food producers themselves,<sup>8</sup> and among them, women and girls, are at greatly increased risk for violations of their right to food. Sue Longley of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF) makes clear that food workers, and food producers among them, make up the greatest proportion of the rural employed internationally and include workers in sectors such as food harvesting, processing and packing, food service and delivery. These rural food workers are routinely denied the International Labour Organization (ILO) worker freedoms of association and collective bargaining. Women make up 40% of all those so employed and they consistently face general and gender specific deficits in decent work including, lack of permanent employment, low pay and low work grading, reproductive and other health concerns related to poor occupational safety, difficult access to maternity rights, and often, unrelenting sexual harassment at work.

In this set of articles we see examples of desirable outcomes of public policy, but also the limitations based on pervasive patterns of discrimination that exist within and outside of the public sector. In Emma Siliprandi’s example in Brazil, the national Food Acquisition Program (PAA) has taken steps to realize the promise of women’s equal rights in the food and farm sector by developing practical measures to ensure women’s access to personal and professional documents, to financial credit and to technical assistance. Despite these policies, discrimination remains endemic, widespread and deep-rooted. The first line of discrimination continues to be banks and financial services, technical services, and public institutions themselves, all of which remain reluctant to recognize women as policy beneficiaries. Women receive only 13–29% of PAA contracts. While PAA improves income by facilitating women’s traditional product marketing, this effort is on a very small scale. Men hold most contracts and control women’s mobility for work and personal life. As a group, rural women remain anonymous, disempowered, have less esteem and not incidentally, earn less income.

The Peasant Platform of Niger (PFPN) works to protect the rights and livelihoods of rural food producers through a network of national peasant organizations united by their desire to reinforce the food sovereignty of their communities. PFPN Secretary General, Fatimatou Hima, writes about specific social discriminations against women concerning, among others, access to land and credits. Women rarely own the land that they work on and cannot access credit without land or a house in their name for collateral. Hima insists, however, that policies defending the rights of peasant women must begin within the organizations that claim to speak on their behalf. This means that training on sexism must be delivered to every organizational member, female and male, and anti-discrimination language must appear in every document, especially those most central to the organizational public profile. Leadership among rural women must be advanced by promoting meeting opportunities where

7 Committee on Economic, Social and Cultural Rights, *General Comment No. 20, Non-Discrimination in Economic, Social and Cultural Rights* E/C.12/GC/20, 2 July 2009, Paragraph 7. [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f20&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f20&Lang=en).

8 United Nations Development Programme, *Halving Global Hunger, Background Paper of Task Force on Hunger* 2003, [www.unmillenniumproject.org/documents/tf02apr18.pdf](http://www.unmillenniumproject.org/documents/tf02apr18.pdf); Human Rights Council Advisory Committee, webpage on the Right to Food 2012, p. 4. [www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Food/Pages/ACRightToFood.aspx](http://www.ohchr.org/EN/HRBodies/HRC/AdvisoryCommittee/Food/Pages/ACRightToFood.aspx).

women can share their experiences and build networks. Civil society organizations (CSO) must actively recruit women to assist and lead program and policy development.

In the fourth gender-based study, Monika Agarwal, from the World Alliance for Mobile and Indigenous People (WAMIP), writes about the troubles of nomadic pastoral communities who have traditionally lived on common property resource. Under development pressure that has diminished the migration range of their herds and forced transition from a sustainable community system of land management into individual deeded land ownership, pastoral women in the western Indian state of Gujarat have suffered severely. The WAMIP alliance member organization MARAG (“path” in Gujarati) notes that in this socio-economic transition, women have been disregarded in the privatization of land; their traditional economic stature within the household has weakened; and the common product of milk for family nutrition has been diverted to external markets, increasing the incidence of hunger and malnutrition, especially among females who through cultural discrimination, eat last. MARAG has successfully fought for land transition to become joint ownership and for women to have the right to buy their own animals (mostly cows, but also bison and sheep) and to start their own milk cooperatives. Nevertheless, these battles are fought in the context of pro-industry development laws which have facilitated land consolidation of common use land resources, thus disempowering and disowning women again.

The nature of experiences demonstrated in these four articles reinforces the context of structural violence and discrimination which continues to frustrate women’s realization of the right to adequate food and nutrition. As different as the countries and strategies are, there are commonalities among the subsequent articles that support the following suggested policy and program strategies to press further the unfinished work of achieving gender equity.

1. Governments need to work with CSOs to educate rights holders about human rights principles, obligations, and recourse to remedy options in the case of violations.
2. Women and men need gender training at the CSO level and at the public government level. Women active in CSOs need to also organize independently as well as with other local, national and international women’s and feminist groups to maintain perspective and vision.
3. It is critical to hold public authorities accountable to their non-discrimination obligations, as well as to hold private sector actors, social movement leaders, and members of local communities all responsible for the same conduct.
4. Rural and urban private sector employers must be held to ILO standards with regard to workers’ rights, recognizing non-discrimination as a fundamental principle of employers’ obligations to their employees.
5. Growing government attention to women and gender issues is most reflected at the household level. There is insufficient consideration of women’s roles and decision-making participation at the national and international level. This continues both to close women out of policy development and change, and advances what we have seen as “male forms of development” rooted in simplistic economic terms of GDP, private ownership, and income as opposed to sustainable livelihoods and social justice.
6. CSOs, with a representative number of the most food insecure women among them, need to participate in human right to adequate food and

nutrition monitoring and reporting as well as in the evolution of recourse and remedy infrastructure capable of realizing the human right to adequate food and nutrition, with particular attention to addressing violations of gender-based discrimination and violence.

7. At the local level (and in coordination with national and international counterparts), food sovereignty and rights-based approaches provide the most opportunity for local food governance and authority with which to maintain local knowledge about sustainable food systems, withstand globalizing processes that have introduced production and consumption habits that co-exist with land loss, land deterioration, growing malnutrition, and growing dependency on non-local food sources.
8. At the national level (and in coordination with the local and international level), human rights need to be integrated into constitutional form to “give teeth” to, among others, principles of non-discrimination, peasants’ rights, women’s rights, and universal ILO workers’ rights, especially for rural food workers, and particularly for the women among them, whether or not they grow food.

Confronting structural violence and discrimination against women, as with other marginalized social groups, remains an ongoing process. Legislation helps; of course it is critical, but it is only one step. Implementation and enforcement of women’s human rights requires consistent CSO engagement in monitoring and reporting as well as in the establishment of working recourse and remedy opportunities. Women must centrally participate in the evolution of all of these functions.

## 04a

# DECENT WORK FOR RURAL WOMEN WORKERS—ESSENTIAL FOR ENSURING THEIR RIGHT TO FOOD

Sue Longley<sup>1</sup>

The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers’ Associations (IUF) is a global trade union federation representing workers throughout the food chain.<sup>2</sup> The IUF consists of 385 affiliated trade unions from 123 countries. It was founded in 1920 with the principle aim of building international labor solidarity and has a statutory commitment to “actively promote the organization of the world’s resources in food for the common good of the population as a whole”—IUF Rules, adopted 1973.

Women make up a significant proportion of the workforce in all IUF sectors and since 1980, the IUF’s main governing body, the IUF Congress, has unanimously adopted resolutions reaffirming the principles of equal opportunities for women and men with particular attention to:

- equal right and access to employment, training and professional advancement, equal pay for work of equal value;
- the right to combine work and family responsibilities;
- fair representation of women in decision-making bodies at all levels of trade unions (local, national, regional, international).

The IUF encourages affiliates to keep a gender breakdown of membership and to create specific structures to ensure women's representation at all levels of the union. The IUF's own structures include international and regional women's committees. Also, there are reserved seats for women in the Executive, Administrative and Industrial Committees. The IUF seeks to ensure that at least 40% of participants in all IUF activities are women. In 2012, a new action program for women's equality was adopted at the 26<sup>th</sup> World Congress: "Organize, fight and win!"<sup>3</sup>

## DECENT WORK DEFICITS

The International Labour Organization (ILO) has developed a framework of decent work indicators. The framework covers ten substantive elements corresponding to the four strategic pillars of the Decent Work Agenda (full and productive employment, rights at work, social protection and the promotion of social dialogue): employment opportunities; adequate earnings and productive work; decent working time; combining work, family and personal life; work that should be abolished; stability and security of work; equal opportunity and treatment in employment; safe work environment; social security; and, social dialogue, employers' and workers' representation.<sup>4</sup>

The global agricultural workforce stands at just over 1 billion—about 40% of which, i.e. 300–400 million people, are employed workers.

For both men and women, employment in the agricultural sector is characterized by significant deficits in decent work. Agriculture is one of the most dangerous industries to work in with the highest rate of fatal accidents and many millions of workers injured or made ill through workplace accidents and exposure to pesticides. Agricultural workers are often denied access to basic rights covered in the ILO core conventions in particular to freedom of association and the right to collective bargaining. The ILO's report *Promotion of Rural Employment for Poverty Reduction* states: "Globally, rural workers still form the largest workforce. While improvements have been made in the protection of agricultural workers in some countries, in many others, they are not covered by labor legislation and other regulations protecting workers. Furthermore, where laws do exist, lack of resources and political will to enforce the provisions as well as isolation, poor literacy, poverty and lack of organization, often prevent workers from fully asserting their rights. The labor protection gap for these workers remains huge."<sup>5</sup>

## RURAL WOMEN IN AGRICULTURE AND OTHER FOOD-RELATED EMPLOYMENT

Women make up well over 40% of the agricultural workforce worldwide and are employed in all agricultural sectors. However, while the IUF recognizes the contribution, rights, and needs of women farmers to grow, process, and prepare food, male and female farmers encompass only one part of the agricultural and other rural workers in the food chains that ensure food and nutrition security worldwide.

1 [Sue Longley](#) is the IUF's international officer for agriculture and plantations. She joined IUF in 1991 from the British agricultural workers' trade union.

2 IUF represents workers from food production, through packing and processing and on to outlets such as restaurants and catering.

3 "Action Program for Equality." IUF: *Organize, Fight and Win!* Geneva, 12 May 2012. <http://cms.iuf.org/sites/cms.iuf.org/files/033%20IUF%20Action%20Program%20for%20Equality%20-%20e.pdf>.

4 "Decent Work Indicators: Concepts and Definitions." ILO, Geneva, 2012. [www.ilo.org/wcmsp5/groups/public/-/dgreports/-/stat/documents/publication/wcms\\_183859.pdf](http://www.ilo.org/wcmsp5/groups/public/-/dgreports/-/stat/documents/publication/wcms_183859.pdf).

5 "Promotion of Rural Employment for Poverty Reduction." ILO, Geneva, 2008. [www.ilo.org/ilc/ILCSessions/97thSession/reports/WCMS\\_091721/lang--en/index.htm](http://www.ilo.org/ilc/ILCSessions/97thSession/reports/WCMS_091721/lang--en/index.htm).

Women in agriculture, and other rural food chain employment, work as day laborers, seasonal workers, and migrant workers on plantations and in pack-houses, greenhouses and cold store. The percentage of women in these individual jobs varies by country, sector, and job; often job classifications are gender defined. In the tea sector, which globally employs millions of workers, women are the largest part of the tea plucking workforce. In the banana industry they are mainly confined to pack houses, while women's role in sugar cane harvesting varies enormously. In Africa, women do not generally cut cane, whereas in the Caribbean they do. In newer crops such as cut flowers and export horticulture, women make up a majority of the workforce both in harvesting and packing. In Kenya, 55,000 people work directly in the cut flower sector, the vast majority of whom are women.

In agriculture, as in other sectors, there remains a significant pay gap between men and women, even in relation to the generally low salaries that characterize agriculture. Through IUF organizing outreach and member reporting, women agricultural and related rural employment workers identify a number of key concerns:

- the lack of permanent employment opportunities for women;
- low pay and low grading of women's jobs;
- reproductive health concerns related to poor occupational safety and health (OSH);
- difficulties in accessing maternity rights;
- sexual harassment at work.

It is difficult to get statistical data on the extent of sexual harassment against rural women workers. However anecdotal evidence gathered by trade unionists indicates that it is widespread, especially when women are on temporary contracts or piece rate. Often women employees are expected to give sexual favors to supervisors to ensure the renewal of their contracts and their full pay entitlement.

With regard to maternity rights, granted to all workers through international conventions on maternity rights, it is difficult in practice for rural women workers to exercise these rights. Employers often keep women on short term contracts, employing them for three months, and then after a few days break, re-employing them on another short term contract in order to avoid women gaining the entitlement to maternity benefits. In some companies women must take pregnancy tests before they are employed.

From the perspective of the IUF, addressing these decent work deficits concerning rural women must start with governments ensuring that women can effectively exercise their right to belong to and be represented by a trade union.

As further steps, governments should:

- Extend national labor laws to include all rural workers. National legislation should take into consideration the specifications of rural work and spell out the rights and responsibilities of all concerned, including local and national governments, employers, and workers;
- Ensure agricultural workers are covered by social security schemes;
- Promote gender sensitive employment policies and provide the material resources to implement them;
- Strengthen rural labor inspection and ensure that inspectors can exercise both their legal rights of access to farms and their duty to enforce labor legislation.

Despite the many challenges and obstacles, rural women agricultural and food industry workers have won significant victories as the following two examples show.

In recent years, the IUF has assisted women tea workers in India take on a major company to secure their maternity rights. They were locked out in an attempt to starve them into submission, but the women fought on and won comprehensive maternity protection, a range of new allowances and benefits, improved health and safety, as well as house repairs on estate housing and new school buses.<sup>6</sup> Since the dispute, the IUF has been able to bring these workers together with workers on three neighboring plantations and is in the process of establishing a collective bargaining agreement with management.

In a second example, in March of 2013, the IUF and the Latin American banana workers coordination, COLSIBA, signed an agreement with a major transnational banana company to work together on eradicating sexual harassment. The agreement included a “zero tolerance” statement and a commitment to “training strategies and the sharing of examples of good practice aimed at personnel, for the prevention of sexual harassment situations.”<sup>7</sup>

The needs of agricultural and rural women workers must be taken into account in recognizing their rights as workers in the food chain and ensuring their right to adequate food and nutrition. The voice of rural women workers in agriculture and related fields must be heard in fora and bodies working on food and nutrition security, while their right to decent work in agriculture must be at the heart of plans and strategies to ensure global food and nutrition security.

- 6 “Union Wins New Gains for Tata/Tetley West Bengal Tea Workers.” *IUF UITA IUL*, 13 May 2012. <http://cms.iuf.org/?q=node/1675>; “Negotiated Settlement Ends Long, Bitter Tata/Tetley Tea Plantation Dispute.” *IUF UITA IUL*, 18 May 2011. <http://cms.iuf.org/?q=node/895>.
- 7 Appendix to the IUF/COLSIBA and Chiquita Agreement: Joint Understanding on Sexual Harassment, 27 Mar. 2013. <http://cms.iuf.org/?q=node/2680>.

## 04b

# RURAL BRAZILIAN WOMEN AND THE FOOD ACQUISITION PROGRAM

Emma Siliprandi<sup>1</sup>

Family agriculture is an important sector in Brazil, constituting 4.3 million farms (84.4% of total) and occupying 24.3% of land area, according to the 2006 Agricultural Census (IBGE). Family farms in Brazil are also the primary producers of food consumed in the country, specifically beans, rice, corn, and chicken. Since 1990, the family farming model has received more attention from the Brazilian government, which has recognized its role in building sustainable patterns of development and created policies to support the production and marketing of these products.

Women in family agriculture work a lot and get little recognition in return. They suffer from social invisibility as workers and as citizens. Within the family, their work is considered as “giving a hand,” while the man is considered the real “rural producer”. The knowledge and experience of women, mainly in reference to food production, is overlooked. Public representation of the family is granted to men, with the expectation that women remain restricted to the domestic world. They have less access to land and to the tools of production, often without remuneration for their work, and are unable to decide on the use of their own earnings. Furthermore, they do not

- 1 [Emma Siliprandi](#) is a researcher for the Center for Studies and Research on Food (NEPA) at the University of Campinas (UNICAMP), Brazil.

participate in the decision-making process regarding production and marketing either. Women farmers also suffer from a lack of civil and professional documents, which means they have difficulties in taking advantage of public policies and accessing services. They are permanently overloaded by the accumulation of domestic and agricultural duties. Besides this, many times they work on other properties, in the transformation of agricultural products and make artisan crafts.

*The women always used to “help” their husband, to work in the fields; they did all kinds of work. But the husband got most of the income. When fruits were sold on the market, the husband kept the money. It was the same with goat meat. And all of this keeps happening.*—Woman farmer, treasurer of a cooperative in the Nordeste region

In recent years, the Brazilian government has been engaged in changing this situation by implementing policies to encourage and empower rural women and recognize them as rights holders. Various programs have been implemented in order to obtain personal and professional documents, specific credit lines for women, differentiated technical assistance, support policies for their organizations and the marketing of their products. These policies serve as a response to historical claims of gender inequality and to the political action of rural women’s movements. However, even today, agents from institutions such as banks, technical service companies and public institutions are reluctant to recognize them as beneficiaries of policies, hindering or even preventing their access to existing programs.

*Women today are more independent, they try and get informed. At home, my grandmother, my mother, my father and I are living together. My father works outside, he has his own salary. And what my mother produces herself is hers, for her own expenses. He doesn’t interfere in any way. He leaves the money for the shopping. Before they used to depend on the husband for everything.*—Young farmer woman from Mata do Sossego, Bahia

Between 2009 and 2010, a quantitative and qualitative national survey was conducted by independent researchers on the participation of rural women in the Food Acquisition Program (PAA) of the federal government,<sup>2</sup> created in 2003 under the Zero Hunger Program. This initiative involved the government buying food directly from family farmers and their organizations to be subsequently donated to social institutions including hospitals, charities and schools. Its objective is to encourage food production by family farms, to create a guaranteed market as well as contribute to food security of people living in poverty. It is presently active throughout the country with a budget of \$400 million, reaching nearly 190,000 farmers in 2012.

The PAA has been well rated by many researchers and beneficiaries, as it allows the rescue of diversified production of food to be adapted to regional food cultures. Positive reviews have also been made by women participating in the program, who feel valued by selling their products.

This research has shown that the following phenomena were linked: the PAA can achieve its goals precisely because there is diversified production maintained by women; and by buying this produce, there are possibilities for the improvement of the position of women in the family and community. However, survey results show that the percentage of contracts on behalf of women was quite low, ranging between 13% and 29%, according to the modalities.

How does the program help empower women specifically? First, by improving their income: it allows the marketing of products traditionally linked to the feminine sphere, grown in areas close to the house which are not typically used for commercial

2 Siliprandi, E.; Cintrão, R. “As mulheres agricultoras e sua participação no Programa de Aquisição de Alimentos”. In: BUTTO, A. (org.) *Autonomia e cidadania: Políticas de organização produtiva para as mulheres no meio rural*. Brasília, IICA/NEAD/MDA/DPMR, 2011, pp. 153–191. [www.iica.int/Esp/regiones/sur/brasil/Lists/DocumentosTécnicosAbertos/Attachments/310/Emma%20Cademartori%20Siliprandi%20-%20NEAD.pdf](http://www.iica.int/Esp/regiones/sur/brasil/Lists/DocumentosTécnicosAbertos/Attachments/310/Emma%20Cademartori%20Siliprandi%20-%20NEAD.pdf).

crops. Some of these products were already sold by women, but on a smaller scale, such as poultry, eggs, vegetables and fruits.

The program now operates nationally with more than 300 different products, with many regional variations. Deliveries can be in small quantities and at intervals negotiated between producers and receiving entities, making it easier for groups of women, who generally have little experience in marketing. The program also accepts processed products (breads, cakes, compotes, fruit juices), as well as those from the extraction of native fruits and nuts, which is generally the responsibility of women.

However, because of the way it was implemented, the program also contributed to the reproduction of the women's subordinate status. Qualitative results of a survey showed that the "real" presence of women in the delivery of products was much higher than their presence as holders of the contracts, which had their names only in special situations (when men could not or would not participate). There was a current understanding, an "unwritten" rule, that contracts should be made in the name of man, the "head of the family." Thus, as a result, the women's access to income earned through the program was also hampered. To put the contract directly in their names—among other actions—appeared in the testimonies of rural women as being of great importance to their self-esteem and empowerment. It meant leaving the "anonymity."

[What does the PAA represent for women?] *PAA was a very good thing, it is a very good thing. (...) A lot of them do not deliver their product in their own name yet, but at least they deliver their own product. This change still has to occur: that they deliver in their own name. (...) The PAA improve a lot the financial independence of women in the north of Minas.*

[Does it make a difference when they get the money directly?] *It isn't the same, it sure makes a difference. Today we have some companions who apply for a loan themselves and pay for it with the fruits or the chickens they deliver for the PAA.—Woman farmer, labor union leader of northern Minas*

*They said: "That here I bought myself, it's a memory of the project [PAA]." I saw their happiness. (...) They're stronger, as they don't need any more to ask their husband money to go out, to buy shoes or underwear. (...) Before they didn't have any money of their own. (...) Now they've got the money and can use it. Because men are so: they sell "their" products, own the stock and say: I'm gonna sell this and "if" there is some money left I'll give it to you. Women are restrained, they feel humiliated. I personally already felt humiliated. My own husband didn't let me go anywhere.—Women leader—São Miguel do Gostoso—RN*

There are still many difficulties for rural women to be recognized by the government, society and their families as independent economic agents. Their access to information on public policies can be enhanced through the participation in territorial development forums, training courses, as well as by the action of trade unions, food security councils, among others. The existence of sensitive leaders, technicians or managers for the identification and inclusion of their products in commercialization projects is another important element, as women themselves often do not realize this potential.

*Back home, my son already helps me with the juices, peels the papayas and bananas, chops the firewood; our income rose a lot only with the juices and the market. Sometimes my husband has to ask me for money, can you imagine that? It changed everything at home.—Woman farmer from the women's group of Humaitá, Acre*

*Our family was broke, because we lost our soy and corn harvest to the drought. With the PAA, my mother started baking breads and cakes; she raised her production and we (her sons) had to help her with the domestic tasks. With the profits my mother bought a computer and pays for my studies.*—Young participant to the evaluation office of PAA in the Sul region

*There used to be only men in the associations; but today there are women talking, participating. In the labors unions, as well. The women are no longer only producers, they're beginning to really participate.*—NGO technician, Rio Grande do Sul

The complementary action between different policies and support, as well as their self-organization in productive groups will allow for greater participation of women in programs such as PAA. However, it is the rules and the attitudes of public agents and social leaders which must address these questions in order to provoke a change in this harsh reality.

04c

## NOTES FROM THE FIELD: FOOD SOVEREIGNTY EMPOWERS WOMEN FARMERS

### Interview with Fatimatou Hima, Secretary General of the national office of the Peasant Platform of Niger

Formed in 1998, the Peasant Platform of Niger (PFPN) is a framework for consultation and action for farming organizations in Niger, which works to increase agricultural productivity and reduce poverty in rural areas. The Platform represents the interests of its 29 members and the agricultural profession at national and international levels through development actions, dialogue, lobbying, advocacy and the exchange of experiences. The PFPN aspires to be a reference network of national farming organizations to influence policies and strategies for rural development at national and international levels.

**Question:** What should be done by the PFPN to avoid sexism and discrimination within the organization itself?

**Answer:** Above all, members of the PFPN, both men and women, have to be made aware of gender discrimination and the need for equity in all of the organization's activities. It is important, therefore, to train all members of the PFPN on these subjects. A first urgent measure would be to introduce parity in the rules of procedure of the Platform and make sure that it is respected on all occasions where members of the PFPN are to be represented. To achieve this, it is necessary to recruit more women experts in all areas of work and to strengthen their capacity to organize themselves and to participate in the political process.

**Q: How can the PFPN improve the situation of women in rural areas?**

A: The Platform has to play an important role in the promotion of the leadership of women in rural areas. To achieve this, regular meetings must be organized with the women who play key roles in civil society, including groups of women producers and entrepreneurs, to allow them to share their experiences. Their expertise should be reflected in the thematic areas of work such as directives and initiatives related to land, investment and security. Furthermore, the PFPN must ensure fairness together with the protection of wages and working conditions of women in the rural sector.

**Q: Which policies are neglecting women?**

A: The failure to take the Kyoto Protocol into account; the failure to allocate 0,7% of GDP of countries (African and other) to development aid; the shortcomings of the various regional policies on agriculture or investments (ECOWAP, APU, CAADP, PRIA) and international treaties (WTO, Lomé Agreements, EPA, CET).<sup>1</sup> All of these instruments have failed to improve the situation of rural women who remain the minority most affected by poverty and marginalization. Moreover, the renewed interest in the question of gender at the international level often stops at the position of the woman within the household and ignores all other dimensions.

**Q: What types of policies are needed in terms of access to productive resources?**

A: It is necessary to retain the lands in the hands of local communities. To achieve this, a system of strict and mandatory regulation has to be put in place, limiting the access of businesses and other public and private actors to farmland, wetlands, pastoral areas and forests. In addition, genuine agrarian reform has to be carried out to ensure fair access to land and natural resources. A recent report by the Food and Agriculture Organization of the United Nations (FAO), estimated that if women had fair access to productive resources, production would rise by 20%.<sup>2</sup> Currently, land tenures are still very discriminatory (few women own the land they work on) and limit women's access to credit to develop their activities. Means of financing adapted for women, like microcredit, must be urgently developed.

**Q: What policies are needed to more actively promote women?**

A: Agricultural policies should be founded on the principles of food sovereignty. Only food sovereignty takes into account gender mainstreaming and the inclusion of women for positive and real changes in food security. This approach allows the woman to empower herself. She is an active participant, grows what she wants to eat and can manage her assets within a family operation. Food sovereignty turns food, production and other related topics into human rights questions. Another aspect of food sovereignty is the strong support to agro-ecological peasant farming, fishing and livestock on a small scale, as well as participative educational and agronomic research programs, so that the women producers can grow food in abundance, which is healthy and safe for everyone and sell it at local and regional markets for a fair price. It is also important to set up disaster funds to reduce the vulnerability of women and children in the event of natural disasters and to promote social security for all.

1 ECOWAP is the Agricultural Policy of the Economic Community of West African States; APU is the Agricultural Policy of the Economic and Monetary Union of West Africa; CAADP is the Comprehensive Africa Agriculture Development Programme; PRIA is the Regional Agricultural Investment Programme; WTO is the World Trade Organization; EPA are the Economic Partnership Agreements; CET is the Common External Tariff.

2 "Women in Agriculture: Closing the Gender Gap for Development." *The State of Food and Agriculture*. FAO, 2010–2011. [www.fao.org/docrep/013/i2050e/i2050e.pdf](http://www.fao.org/docrep/013/i2050e/i2050e.pdf).

## THE CHALLENGE OF BEING A PASTORAL WOMAN IN GUJARAT

Monika Agarwal<sup>1</sup>

The World Alliance for Mobile and Indigenous People (WAMIP) is a global alliance of indigenous peoples and communities practicing various forms of mobility as a livelihood strategy while conserving biological diversity and using natural resources in a sustainable way. Currently MARAG (“path” in Gujarati), an NGO based in western India is the secretariat of WAMIP. For over two decades MARAG has been working for the rights of the pastoral communities in the western state of Gujarat. Mobile pastoralism is a socio-cultural, self-reliant and environmentally sustainable livelihood that has been sustained through regional migration for centuries. However, in recent years, this livelihood has been severely restricted owing to urbanization, industrialization, agriculture development and privatization as well as to the impacts of climate change. Historically, the pastoral women enjoyed a prominent status in the household economy. However, due to diminishing common property resources, changing migratory routes, distress migration and several other factors, pastoralism is on a decline and the worst affected are women. Pastoral women are increasingly forced to work as daily wage laborers; in big cities like Ahmedabad. The majority of domestic help are migrant pastoral women whose identity once was linked to their livestock.

Traditionally, pastoral women’s lives revolved around their livestock and related products such as milk, milk products, wool, etc. Women managed the household economy including the food and nutrition for the entire family. However, in recent years the entire economy and its social fabric have changed. The 1970 “White Revolution”, or “Operation Flood”, in India started launching the commercialization of the milk industry to the point it is today of being the world’s largest dairy program. Milk, which had never been traded (it was culturally prohibited to sell milk), became a commercial commodity success. Milk is fundamental to the food security and nutrition of the otherwise vegetarian pastoral communities of Gujarat. Traditionally only milk by-products such as *ghee* and *mawa* were sold in the markets. There was always enough milk, ghee and butter milk for household consumption. In the post-white revolution economy, however, as men gained more control over the dairy cooperatives, land has become privatized into male-dominated land holdings and milk has been redirected to commercial markets. Simultaneously, pastoral women’s role in the dairy industry has declined over the past two decades and there has been a considerable reduction in milk consumption at the household level. On an individual level, women’s severed connection to land and livestock often pushes them into daily wage labor and the reduced financial circumstances force them into the traditional pattern of compromising their food intake by waiting to eat until after everyone else has been fed.

Through the government-funded Women Livelihood Restoration Program (WLRP) as part of a post-earthquake rehabilitation program, MARAG deliberately

<sup>1</sup> [Monika Agarwal](#) is a senior member of MARAG, an NGO based in western India that acts as the secretariat of World Alliance for Mobile and Indigenous People (WAMIP).

facilitated the enhancement of women's livelihood and their role in the dairy cooperatives. To regain some control over their traditional way of sustaining their households, women were encouraged to buy cattle in their own name through micro loan facilities. The ownership of cattle signaled an important step. It gave women greater control over their household economy. The cattle buying initiative was built into a social movement led by 117 women's groups from 47 villages of the Surendranagar district of Gujarat. The women's groups were supported by MARAG to set up their own women's dairy cooperative, the success of which, led the district dairy cooperative to take notice. Women from the cooperative successfully bargained for two seats on the board of the district cooperative—a milestone in the history of male-dominated cooperatives. For the first time in the history of cooperatives, women were represented on the executive board.

Although this was a significant achievement, women still faced huge economic challenges. One of them was lack of land ownership. In the year 2006, MARAG started the initiative, *Jameen Bachao Andolan* (Movement to Protect Land) against a government resolution on corporate farming. On May 17<sup>th</sup>, 2005 the government of Gujarat announced a resolution which stated that 4.6 million hectares of “wasteland” would be allotted on a 40 year lease for industrial farming ventures, to already rich and capable farmers and corporate ventures for production purposes. This highlights that of these 4.6 million hectares of so-called “wasteland” over 1.9 million hectares were cultivable land, which essentially means conversion of small-holder agricultural lands into large-scale capitalist farms controlled by corporations and rich farmers. In the same period of time, an estimated 51 million farm laborers in the region were struggling to secure sustainable livelihoods and many of them were demanding land from the state government. Decisions responding to these demands are still pending after many years. The women's dairy cooperatives played an important role in the *Jameen Bachao Andolan* which soon spread and was joined by other civil society organizations. In a landmark victory, over 4,300 families in Saurashtra and Kutch regions received joint ownership of land—that is, in the name of both the man and the woman as heads of household. Joint ownership happened for the first time on such a scale that, in fact, another milestone was set when the government decided to allot land in the future only in joint names. This was revolutionary because land, as an asset, is very rarely owned by women in this region. The success has led to a new Working Group on Women Land Ownership (WGWLO) that will follow-up on these issues.

These inspiring stories are countered by new challenges. In 2009, Gujarat became the first state to enact the Special Investment Region Act (SIR). Without informing the local population until seven months later, the Gujarat government declared the area of 44 villages of Ahmedabad, Surendranagar and Mehsana districts as the Mandal-Behcharaji Special Investment Region (SIR) through a notification dated September 24<sup>th</sup>, 2012. The geographical area of this region measures 50,885 hectares (approximately 500 sq. km) in total and supports over 125,000 people and more than 50,000 livestock, mostly cows and buffalo. The area has already attracted a star investment through India's largest passenger car manufacturer, Maruti Suzuki India, that wishes to build its regional car plant headquarters in the village of Hansalpur in Mandal Taluka. While the Mandal-Becharaji SIR was put on the fast-track, residents of the 44 villages of this region were not aware of the “SIR” until April of 2013, one month prior to the drafting of this manuscript.

Communities from the 44 affected villages are now protesting against the Gujarat government. If the Mandal-Becharaji SIR becomes a reality, all will suffer, but as we have explained, women will take the brunt of the socio-economic changes. Their livelihoods, ecology, culture and much more is at stake. Some people believe that almost 70 villages will be directly affected if this Special Investment Region comes into being. MARAG is currently mobilizing the communities in these villages under the *Jameen Adhikar Andolan*. Already thousands of people have pledged their support, and to date, 36 villages have already joined the movement to fight for their land.

## SEEDS AND PEASANT AUTONOMY

Guy Kastler, Antonio Onorati, and Bob Brac<sup>1</sup>

Agricultural biodiversity is the result of a thousand years of interaction between nature and the communities which produce the food that the human race needs for its survival.

Peasants (meaning all men and women who produce food) are the main contributors to biodiversity. They preserve, renew and select plant varieties and animal breeds purely within the social, economic and cultural systems in which they develop their production. Peasants do not see themselves as owning living things. Their rights are the opposite of individual property rights on living things, to which they cannot be reduced. Peasants' rights involve not only the genetic resources in plants but also the exchanges that take place between earth, water, animals and peasants' expertise. These are collective rights governing access to resources and their use, and were recognized as such until the 1950s, when industrial agriculture was imposed as the sole reference model.

Peasants cannot make their vital contribution to preserving and renewing biodiversity if their rights to re-sow, preserve, protect, exchange and sell their seeds are not recognized and respected. They must also have free access to the genetic resources of the plants they grow. The seeds produced on the farm and the informal exchange of those seeds lie at the heart of their contribution. Unfortunately, this time-honored practice has now been banned in many countries due to increasingly restrictive international rules.

For the peasants who cultivate biodiversity, a global strategy needs to be established to identify the international institutions where their organizations—which are primarily local or territorial—can participate in the process of defining and implementing the international rules and laws governing access to genetic resources.

THE GLOBAL CONTEXT<sup>2</sup>

All current industrial seeds have come—directly or indirectly—from traditional seeds selected and preserved by hundreds of generations of farmers. The seed industry has standardized, crossed and genetically manipulated them, but remains incapable of creating new varieties without using traditional seeds as a base—which is why the strategy of this highly concentrated sector<sup>3</sup> consists of collecting as many seed types as possible and storing them in large seed banks. The wealthy countries of the north and the World Bank, which together with several private foundations control the international CGIAR<sup>4</sup> agricultural research centers, have set up seed banks. To get free access to the farmers' fields where they collect the seeds, both in the north and south, they have had to guarantee the public nature of these banks. However, the seed industry then draws upon this “public” reserve to set up its own totally private seed banks.

Recent developments in genetic engineering have led seed manufacturers to focus more on genes than plants. Public seed banks are disappearing in the southern countries (due to lack of funding and political will, when they are not being plundered in times of war) as they are now less useful compared to genetic sequence data

- 1 [Guy Kastler](#) is facilitator at the Réseau Semences Paysannes (France): [www.semencespaysannes.org](http://www.semencespaysannes.org). [Antonio Onorati](#) is the president of the Centro Internazionale Crocevia (Italy): [www.croceviaterra.it](http://www.croceviaterra.it). [Bob Brac de la Perrière](#) is general coordinator at BEDE (France) [www.bede-asso.org/lang/angl/home.php](http://www.bede-asso.org/lang/angl/home.php).
- 2 In this article we discuss the challenges facing seeds but it should be noted that the same political and legal questions are relevant for agricultural biodiversity as a whole.
- 3 Only 4–5 seed companies share the global market including Monsanto with 27% of world sales in 2009, DuPont (Pioneer): 17%, Sygenta: 9% and Limagrain (Vilmorin): 5%; “Who Will Control the Green Economy?” *ETC Group*, 1 Nov. 2011. [www.etcgroup.org/content/who-will-control-green-economy-0](http://www.etcgroup.org/content/who-will-control-green-economy-0).
- 4 See the CGIAR website: [www.cgiarfund.org/FundDonors](http://www.cgiarfund.org/FundDonors).

bases, while the seed banks of rich northern countries are increasingly becoming privatized. Once the genes have been modified or simply described, they are patented, which privatizes and hampers their distribution. The industrial seed system works by banning the collective rights of farmers to use, exchange, sell and protect their seeds, and by confiscating and subsequently eradicating traditional seeds to the benefit of new industrial varieties controlled by Plant Breeders' Rights (PBR),<sup>5</sup> to which one or more patents are often added. This system does not only destroy its own resources, but also the only way out of the dead-end it is locked into: dependence on chemical fertilisers and fossil fuels, as well as increased vulnerability in light of greater economic, environmental and climate crises.

Moreover, a patented seed may cause contamination at any time to the peasants' fields (see case of native maize in Mexico).<sup>6</sup> Peasants are then accused of violating industrial intellectual property rights every time they reproduce their own contaminated local varieties!

Another strategy used by the private sector to destroy competition from traditional seeds works through new European regulations. Its purpose is to replace the current barrier to market access—the *Common Catalogue of Varieties of Agricultural Plant Species*—with environmental and health barriers, bio-safety rules and privatized inspections. It will be extremely difficult for small seed companies or small farmers to fall into line with these new rules, and they will be excluded from producing, exchanging or marketing their seeds.<sup>7</sup>

## THE REBIRTH OF TRADITIONAL SEEDS

Traditional seeds are selected and preserved *in situ* in the conditions in which the farmer grows his crops. They are indispensable for diversity and variability and ensure that farmers can continue to adjust to local conditions. They alone are able to boost a crop's resilience in increasingly chaotic conditions due, in part, to climate change.

Peasants cannot select the new varieties they need by using modern seeds which have been standardized and genetically manipulated by the industry. Only local, traditional varieties provide a solid selection basis. However, in many countries where they have disappeared from the fields, the peasants are finding it increasingly difficult to gain access to the gene banks where they are locked away. Before this access is definitively privatized and closed down, a multitude of regional seed systems managed locally by farmers and local communities must be supported and recreated.

Although industry and the financial sector are becoming increasingly influential stakeholders, the private sector is not yet strong enough to impose its rules purely through the market. It still requires public policies to protect its interests in the form of favorable legislation, for example intellectual property rights (IPR) as applied to seeds. Consequently, peasants' organizations must ensure that any global governance strategy monitors how public policies affecting agricultural biodiversity are negotiated. They need efficient lobbying practices in order to maintain control over what the industry is doing.

## THE NEW LEGAL FRAMEWORK IMPOSED BY THE INDUSTRY

Exclusively genetic responses to environmental and health questions (tolerance to herbicides, resistance to pathogens or to bad weather, etc.) are the wrong answers

5 Since the 1991 Act of the International Union for the Protection of New Varieties of plants (UPOV), the PBR has banned or taxed seeds produced on the farms.

6 Read in French: L. Ceballos et B. Eddé, *Contamination du maïs mexicain : la controverse scientifique*, Dossier Inf'OGM n°43, BEDE, Montpellier, novembre 2003. [www.infogm.org/spip.php?article1306](http://www.infogm.org/spip.php?article1306).

7 The Common Catalogue of Varieties of Agricultural Plant Species lists most of the economically important agricultural species and varieties (including vegetable and fruit varieties and certain environmental or ornamental plants such as lawns) which can be marketed as "seeds" by the seed industry or traders.

to problems which are primarily agricultural, not genetic. However, they are the only answers contained in the new seed trade rules.

This trend is strongly reflected in the reform of the European Union (EU) regulatory framework on seeds.<sup>8</sup> The EU plays a fundamental role in global governance of genetic resources in agriculture and food. For example, it uses “cooperation” agreements to influence seed legislation in developing countries (see the seed legislation of several African or Asian countries) and plays a major role in the International Union for the Protection of New Varieties of Plants (UPOV) and in the World Intellectual Property Organisation (WIPO).<sup>9</sup> The new laws under discussion leave no room for traditional varieties, which are only tolerated as part of research or in farmers’ networks controlled by gene banks. These rules are already in free trade agreements (see the agreement between Europe and Canada)<sup>10</sup> and will soon be applicable everywhere on the planet, removing forever the possibility of building appropriate legislation to safeguard peasants’ seed rights.

### BOX 1

The European Commission is drafting a proposal for a reform of the regulations on the marketing of seeds, plant health and inspections, which is going to be submitted to the vote in the European Parliament in 2013. Small farmers’ representatives and civil society are taking action. In particular Via Campesina’s Europe Coordination is analyzing the most recent proposal which is still under discussion. “Its objective is clearly to control all exchanges of seeds between farmers and gardeners and to lock them into the narrowest niche possible. We cannot support this, nor call for a widening of this niche since this would be abolished at the first opportunity. Peasants’ seed independence and the food sovereignty and self-sufficiency of our communities are inalienable rights and not commercial niches. Exchanges between farmers are not part of a market place and should not be subject to trade inspections. The problem is the expansion of trade in patented and genetically manipulated seeds, not whether varieties are old or new. Rather than limiting the quantity on the market or the size of the traders marketing them, the solution lies in giving farmers the right to freely exchange their seeds and in encouraging widespread trade in seeds, free from both IPR and genetic tampering.”<sup>11</sup>

However, the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)<sup>12</sup> recognizes the enormous contribution that local and indigenous communities and farmers in all the regions of the world have made and continue to make for the conservation and development of plant genetic resources, which constitutes the basis of food and agriculture production throughout the world. The treaty also entrusts governments with the protection of farmers’ rights and includes a list of the measures which could be taken to protect and promote these rights. These include not only the rights to save, use, exchange and sell farm-saved seeds and other propagating material, but also to participate in decision-making regarding the use of plant genetic resources for food and agriculture and the fair and equitable sharing of the benefits arising from their use.<sup>13</sup> Unfortunately, this treaty has been sidelined and struggles in its implementation. Farmers’ organizations even feel that it is mainly used to facilitate industry’s access to the genetic resources collected from farmers’ fields and that it therefore works against the principles it claims to defend.

- 8 “Animal and Plant Health Package: Smarter Rules for Safer Food.” *Health and Consumers*. European Commission. [http://ec.europa.eu/dgs/health\\_consumer/pressroom/animal-plant-health\\_en.htm](http://ec.europa.eu/dgs/health_consumer/pressroom/animal-plant-health_en.htm).
- 9 See documents from the WIPO-UPOV Symposium on Intellectual Property Rights in Plant Biotechnology, Geneva, 24 October 2005. [www.upov.int/en/documents/Symposium2005/index.html](http://www.upov.int/en/documents/Symposium2005/index.html).
- 10 See the Trade Justice Network website: <http://tradejustice.ca/en/section/24>.
- 11 Translated from Guy Kastler, *Réforme européenne sur la commercialisation des semences : où en est-on ?*, 12 février 2013. [www.semencespaysannes.org/bdf/bip/fiche-bip-191.html](http://www.semencespaysannes.org/bdf/bip/fiche-bip-191.html). See also “The European Commission Organizes the Pollution of Our Fields by Industrial Patented Seeds.” European Coordination Via Campesina (ECVC), Press Release, 7 May 2013 and Appendix 1 (technical): *First synthetic analysis of the proposed regulation on seeds of the European Commission* (available on the same page). <http://viacampesina.org/en/index.php/main-issues-mainmenu-27/biodiversity-and-genetic-resources-mainmenu-37/1408-the-european-commission-organizes-the-pollution-of-our-fields-by-industrial-patented-seeds>.
- 12 The *International Treaty on Plant Genetic Resources for Food and Agriculture* was adopted by the 31<sup>st</sup> meeting of the Food and Agriculture Organization of the United Nations (FAO) on 3 November 2001. [ftp://ftp.fao.org/docrep/fao/011/i0510e/i0510e.pdf](http://ftp.fao.org/docrep/fao/011/i0510e/i0510e.pdf).
- 13 *Ibid.*, Preamble and Article 9.

## NATIONAL AND REGIONAL INITIATIVES

On all continents, men and women farmers are working to safeguard biodiversity, the key to our future.

### BOX 2

#### The Law on the Protection of Biodiversity in the Region of Latium (Italy)<sup>14</sup>

This text has been in force since 2000 and is also accepted as a reference by the European Union. The text distinguishes between tangible goods (the plant) and intangible information—all genetic, cultural and social information associated with each seed. It confirms the existence of private property rights over the tangible aspects of plant and animal varieties by including them on a list managed by the regional authorities, but recalls that the heritage of these genetic resources belongs to local communities. Thus, the physical part of the plant belongs to its owner, but the genetic information which gives it its characteristics belongs collectively to all peasants. The law therefore creates a completely different way of gaining access to genetic resources, unlike the privatization of resources through intellectual property rights.

Recognizing a collective heritage implies that access to information can be negotiated by society. It is not free and does not belong to humanity, but to a local community: the peasants of the Latium region. So if other farmers, or any other person, want access to this material they must negotiate directly with those farmers.

<sup>14</sup> Regional Law n°15 of 1<sup>st</sup> March 2000. See in Italian: [www.arsial.it/portalearsial/default.htm](http://www.arsial.it/portalearsial/default.htm).

## 05a

## PEASANT INITIATIVE IN SENEGAL

### Lamine Biaye<sup>1</sup>

The Senegalese Association of Traditional Seed Producers (*Association sénégalaise des producteurs de semences paysannes-ASPSP*) was set up in 2003 by nine peasants in leadership positions from different regions in Senegal. Its goal is to make its members independent and self-sufficient in their use of high quality seeds appropriate for the climate and soil type of the country's different zones. The ASPSP includes associated producers and “nodal farmers”—individuals at the center of the network who promote the exchange and enhancement of seeds. The association's exchange model is not commercial, but reflects the idea of making donations and the principle of social and human reciprocity.

Managed by farmers, the ASPSP is a movement for civic research on biodiversity which proposes alternatives to genetically modified organisms (GMOs) and combats abusive use of pesticides. The ASPSP's research is adaptive and decentralized, focusing on its member federations located in Senegal's main agro-ecological zones. It examines variations in growing conditions and different micro-environments (for example pasture, rice fields, vegetable gardens, strip farming, orchards, etc.). The

<sup>1</sup> Lamine Biaye, farmer in Casamance, is the ASPSP chairman. For more information consult: <http://aspssp-over-blog.net>.

research is also inclusive and the ASPSP promotes a loose institutional structure to encourage dialogue between formal scientific research and peasants' innovations.

To achieve this, the ASPSP draws on culture and local knowledge. It considers traditional seeds to be part of a cultural heritage, transferable from one generation to the next. The association's goal is to intensify cooperation between informal seed and variety exchange systems already in place at the local level, and create a social, semi-formal seed network involving the different organizations which make up the ASPSP. The idea is to make the ASPSP's members independent and self-sufficient in seeds so they can play a leading role in seed production by owning a sufficient quantity of high quality seeds.

Training and skill enhancement is provided to ensure better use of traditional seeds and greater awareness focusing essentially on quality, monitoring, storage, seed management and promoting *in situ* preservation.

#### BOX 1

##### The *Semences Paysannes* Network<sup>1</sup>

The *Semences Paysannes* Network is composed of over a hundred organizations, all involved in initiatives intended to promote and protect crop biodiversity and its associated expertise. In addition to coordinating and consolidating local initiatives, the *Semences Paysannes* Network promotes collective protection and management methods of traditional seeds. It also contributes to the scientific and legal recognition of peasants' practices, including producing and exchanging seeds and plants.

Recently in France, various peasants' initiatives have been seeking to redevelop local varieties, and sometimes to adapt new species to local conditions as well as reclaiming farmers' independence in seed production, use and preservation. For example, the *Semences Paysannes* Houses are new forms of collective management of crop diversity. By exchanging seeds and know-how, these houses can provide the ground work (answering technical and social queries, etc.) necessary in the promotion of traditional seeds within a regulatory framework which, instead, leans more towards banning them.

<sup>1</sup> For more information consult:  
[www.semencespaysannes.org](http://www.semencespaysannes.org)

05b

## EUROPEAN ADVOCACY FOR PEASANTS' SEEDS

Bob Brac

Following a seven year process starting in 2005, inspired by annual gatherings of the European movement on agricultural biodiversity, a European Coordination Network for traditional seeds was officially created in 2012: *European Coordination: Let's Liberate Diversity*<sup>1</sup> (EC-LLD). Its members are organizations from different countries and cultures, farmers' trade unions, small seed businesses, associations and networks supporting traditional seeds and agricultural biodiversity. The founding organizations are the *Scottish Crofting Federation* (Scotland), *Pro Specie Rara* (Switzerland), *Réseau Semences Paysannes* (France) and *Red de Semillas "Resembrando e Intercambiando"* (Spain). Membership is open to any organization that shares the values and objectives of the Coordination.

EC-LLD's objective is to coordinate the positions and actions of national networks and other members to encourage, develop and promote the dynamic management of biodiversity on farms and in gardens. In order to achieve this, the coordination network pursues activities in the following areas: the promotion and development of farmers' seeds, the exchange and dissemination of knowledge and expertise associated with farmers' seeds, their use and promotion, the collection, translation and dissemination of existing information, training and inventory, experimenting, researching and advocating for a legislative framework favorable to farmers' rights as well as gardeners' and small seed companies' rights over biodiversity.

The EC-LLD is a new tool of the European social movement, providing a platform for both the exchange of ideas and for developing the arguments which will enable different stakeholders to meet and share their points of view. This pooling of resources is crucial at a moment when European laws on seeds and intellectual property rights are strengthening industrial control of the food chain. Civil society needs to increase its internal consultation in order to effectively coordinate their future actions.

<sup>1</sup> For more information please consult: [www.liberatediversity.org](http://www.liberatediversity.org).

## CONCLUSION

Farmers' rights, as defined in the ITPGRFA, are part of human rights upheld by the UN and arise directly from the right to food. They are collective in nature and form the basis of farming in general and, more specifically, of food-producing and traditional forms of agriculture. Peasants' seed independence, food sovereignty and autonomy of communities are inalienable rights and not niche markets. Exchanges between farmers are not tantamount to marketing a commodity and should not be subject to

trade inspection. The spread of the patented market, where seeds are monopolized by PBRs and/or genetically manipulated, is a danger to biodiversity and will not resolve current crises. The only way out is for the laws of each country to acknowledge and effectively defend farmers' rights.<sup>2</sup>

If seeds are to remain a pillar of food security and sovereignty, the following urgent issues must be addressed:

- the protection of seeds as part of our common heritage, by recognizing the rights of peasants to develop (in an inclusive manner involving public research or amongst farmers), use and freely exchange their seeds.
- the generalized marketing of seeds without intellectual property rights and free of any genetic tampering, adapted for independent traditional organic farming, for small-scale transformation methods and local supply chains.
- the rebuilding of a multitude of territorial seed systems, managed locally by peasants and communities.
- the involvement of peasants' organizations in defining the rules and laws governing access to genetic resources and their implementation, given their unique expertise in the area.
- citizens' monitoring of discussions on public policy regarding agricultural biodiversity and resistance against any steps by industry to monopolize seeds.

2 The Human Rights Council of the United Nations is working on a Declaration on the rights of farmers and other persons living in rural zones. This process is based on the Declaration of Farmers' Rights—Women and Men adopted in 2009 by La Via Campesina. The Declaration is available at this address: <http://viacampesina.net/downloads/PDF/EN-3.pdf>.

## SECURING SUSTAINABLE LIVELIHOODS FROM SMALL-SCALE FISHERIES

### The International Planning Committee for Food Sovereignty (IPC) Working Group on Fisheries<sup>1</sup>

Approximately 90% of the 140 million people engaged in fisheries globally work in the small-scale fisheries sector, predominantly in the Global South. These small-scale fisher people catch half of the world's total catches by volume and provide over 60% of the fish destined for direct human consumption. For each fisher-person in the small-scale sector, at least four other people are engaged in related land-based activities, such as the preparation of equipment, fish processing, and marketing. In total, more than half a billion people are estimated to depend on fisheries for their livelihoods.<sup>2</sup> As a family based activity, fishing makes a direct contribution to household food security, where women play a particularly important role both as the link with the market and as the provider of food in the household. However, this significant contribution to food security, livelihoods and to local and national economies is currently not given the recognition it deserves.

#### RELEVANCE OF SMALL-SCALE FISHERIES

World fish consumption per capita increased from an average of 9.9 kg in the 1960s to 11.5 kg in the 1970s, 12.6 kg in the 1980s, 14.4 kg in the 1990s, 17.0 kg in the 2000s and reached 18.4 kg in 2009. Globally, fish provides about three billion people with almost 20% of their average per capita intake of animal protein, and 4.3 billion people with about 15% of their intake. FAO data shows that in 2009, food fish supply per capita in industrialized countries was 28.7 kg per year but only 10.1 kg in Low Income Food Deficit Countries (LIFDCs).<sup>3</sup>

Fish and fishery products provide an irreplaceable source of food rich in proteins and other essential nutrients, often in circumstances where access to alternative food is restricted. This is of paramount importance for the diets of such vulnerable groups as pregnant women, lactating mothers, babies and infants. Even where average fish consumption per capita is low, relatively small quantities of fish can have a significant positive nutritional impact by providing essential amino acids, fats and micronutrients that are scarce in vegetable-based diets. The vital role of fish in nutrition is due to its richness in micro-nutrients that are generally not found in staple foods. It is a very important source of pre-formed vitamins A and D when its oil is ingested. Fish also contains thiamine and riboflavin (vitamins B1 and B2). It is a source of iron, phosphorus and calcium and other important trace elements. Marine fish is a good source of iodine. Fish also contribute fatty acids that are necessary for the proper development of the brain and body.

Small-scale fisheries provide the first and most important link in a long chain of social, cultural and economic activities that contribute to the health and well being of local communities and wider society, where fishing constitutes far more than merely an economic activity, but rather forms part of the culture, identity and way of life of fishing communities, with customs, food habits, rhythms of life, rituals, spiritual beliefs, value systems, traditions and social organization closely linked to fisheries, and to the aquatic milieu on which their livelihoods depends. The provision

- 1 [The IPC Working Group on Fisheries](#) includes the World Forum of Fisher People (WFFP), the World Forum of Fish Harvesters and Fishworkers (WFF), the International Collective in Support of Fishworkers (ICSF) and the Centro Internazionale Crocevia (CIC).
- 2 "Over half a billion people (workers and dependents) are wholly or partly supported by fisheries, aquaculture and related industries, 95% of them in developing countries, [...]" World Fish Centre, *Aquaculture, Fisheries, Poverty and Food Security*, Working Paper 2011-65, 2011, p. 7. <http://aquaticcommons.org/7517/>.
- 3 "The State of World Fisheries and Aquaculture—(SOFIA)." FAO. FAO Fisheries and Aquaculture Department, 2012, pp. 82–89. [www.fao.org/docrep/016/i2727e/i2727e00.htm](http://www.fao.org/docrep/016/i2727e/i2727e00.htm).

of fish and fishery products by small-scale producers also plays an important role in food sovereignty,<sup>4</sup> enabling low-income consumers for whom other comparable sources of food are not readily accessible to enjoy their right to food and other human rights.

For many low-income consumers, notably those in West Africa, fresh fish is not an option. They rely on supplies of fish that have been processed in diverse ways—salted, dried, fermented and smoked—and traded within and between countries of their region. Such production and trade plays a vital role in food security and is undertaken mainly through informal activities and channels where women often predominate as the main actors.

## SMALL-SCALE FISHER-WOMEN

Women play a vital but largely unrecognized and undervalued role realizing the right to food by supplying fish and fishery products. The FAO estimates that in 2010, 54.8 million people, at least 12% of whom were women, were directly engaged either full time, or more frequently part time, in capture fisheries or in aquaculture. This is likely to be a gross underestimate given that women's work in the fisheries sector is often unpaid and unrecorded. Many government statistics offices do not even record the number of women engaged in the sector. The most significant role played by women in both artisanal and industrial fisheries is at the processing and marketing stages.

Active in all regions of the world, women have become significant entrepreneurs in fish processing. In fact, most fish processing is performed by women, either in their own household or as wage laborers in the large-scale processing industry. In West Africa for example, women play a major role: they usually own capital and are directly and vigorously involved in the coordination of the fisheries chain from production to the sale of fish. In its 2012 State of World Fisheries and Aquaculture (SOFIA) report, the FAO highlights the importance of gender mainstreaming in fisheries and aquaculture as a key issue.<sup>5</sup>

However, despite their success as entrepreneurs and dynamism, women often have to deal with considerable hardships and adverse working conditions. They may also face unequal competition in accessing raw materials for their processing and trading activities. For example, in West Africa the export trade of fresh and frozen fish is dominated by men who take the best quality fish while the local staple fish, the sardine-like species, mackerels, and other “small-pelagic” fish species, are intensively sought by super-trawler fleets and foreign investors for transforming into fishmeal for intensive aquaculture.

## HARDSHIPS FACED BY FISHING COMMUNITIES

Small-scale fishing communities often face precarious living and working conditions due to insecure rights to land and fisheries resources, competition from industrial fleets, inadequate returns on their labor, poor access to markets and basic services, pollution and degradation of natural habitats, as well as vulnerability to natural disasters and climate change. Increasingly, their lives and livelihoods are challenged by other, more powerful sectors such as tourism and extractive industries, which are in constant competition for the use of aquatic habitats and oceanic spaces—a process that has been commonly referred to as “ocean grabbing”.<sup>6</sup>

4 According to the IPC, “food sovereignty” is the right of people to define their own food and food production systems, based on six fundamental principles. See: “Definition of Food Sovereignty.” *NYÉLÉNI 2007: Forum for Food Sovereignty*, International Planning Committee for Food Sovereignty.

[www.foodsovereignty.org/FOOTER/Highlights.aspx](http://www.foodsovereignty.org/FOOTER/Highlights.aspx).

5 *Op. cit.* at 3, pp. 107–114.

6 According to Olivier De Schutter, The United Nations Special Rapporteur on the Right to Food, “Ocean-grabbing”—in the shape of shady access agreements that harm small-scale fishers, unreported catch, incursions into protected waters, and the diversion of resources away from local populations—can be as serious a threat as “land-grabbing” to food security. See: “‘Ocean-grabbing’ as Serious a Threat as ‘land-grabbing’—UN Food Expert.” *Olivier De Schutter | United Nations Special Rapporteur on the Right to Food*. 30 Oct. 2012. [www.srfood.org/index.php/en/component/content/article/2543-ocean-grabbing-as-serious-a-threat-as-land-grabbing-un-food-expert](http://www.srfood.org/index.php/en/component/content/article/2543-ocean-grabbing-as-serious-a-threat-as-land-grabbing-un-food-expert). See also his full report on fisheries and the right to food at: [http://www.srfood.org/images/stories/pdf/officialreports/20121030\\_fish\\_en.pdf](http://www.srfood.org/images/stories/pdf/officialreports/20121030_fish_en.pdf).

Furthermore, policies geared toward economic development often fail to take into consideration the importance of small-scale fisheries, and can sometimes even contribute to their further marginalization. Small-scale fisheries are not generally seen as a priority compared to tourism, mineral extraction, energy generation, industrial aquaculture etc., and are not protected against the impact of these expanding sectors.

The issue of child labor is also important—in 2008 some 60% of the 215 million boys and girls estimated to be child laborers worldwide were engaged in the agriculture sector including fisheries. While recognizing that learning about the sea, vessel handling and fishing requires apprenticeship starting from an early age, it is possible to differentiate between “acceptable work” and “harmful work” and to work to eliminate the “worst forms of child labor.” Fishing communities are notorious for having low levels of education, literacy and numeracy. Depriving children from fishing communities the chance to go to school and to obtain an education by pushing them into work at an early age minimizes opportunities for their personal development and the overall development of their communities.<sup>7</sup>

There are many millions of fish-workers in the small-scale sector living below the poverty line, engaging in subsistence level activities on the margins of society and the economy. However, there are also thriving small-scale operators engaged directly in the market economy using relatively large vessels and modern technology who see themselves not as “poor fisherfolk,” but rather as a “force for food production.” A challenge facing development organizations is how to prevent this dichotomy from creating a situation where fishing communities are marginalized, made increasingly vulnerable and essentially being left behind.

The small-scale fisheries sector has the potential to develop in ways which would secure sustainable livelihoods, decent work and reduced instances of poverty—especially if a human rights framework is applied. However, these aspirations are threatened by national and international fisheries policies and practices which favor competing sectors.

## POLICIES UNDERMINING SMALL-SCALE FISHERIES

There are at least three kinds of policies that undermine the small-scale fisheries sector and its contribution to food security and social development.

First, the trend of fencing off oceans to establish “wilderness areas” or marine protected areas where all fishing is banned. The implementation of such zones disproportionately affects local small-scale fishing communities, who are generally not consulted, and who lack the possibility to relocate to alternative fishing areas.

Secondly, policy makers worldwide, notably the World Bank,<sup>8</sup> are advocating a shift towards “rights based management”<sup>9</sup> systems, which further contributes to the privatization of oceans. These systems encourage states to allocate tradable fishing rights to industrial interests. Moreover, this system is criticized for “creat[ing] two classes of people: those who have access, rights, or an exclusive privilege to the fishery and those that do not have such rights”.<sup>10</sup> A situation that gives rise to inequity, conflicts, and increased vulnerability and exploitation of the “have-nots”.

Such access rights may also be allocated through irregular or illegal contracts signed between state officials and private enterprises, as was the case in Senegal, where 44 large industrial trawlers were authorized to fish in Senegalese waters in 2011.<sup>11</sup> Such government deals that give private investors license to use fishing

- 7 “[...] many children working in small-scale fisheries and aquaculture remain exposed to harsh and hazardous working conditions. They may have to dive to unsafe depths—often at night; work long hours in unsanitary processing plants where they are at risk of contracting infections; or handle toxic chemicals and dangerous equipment or gear. Girls working in fish processing depots are also at risk of sexual abuse.” *FAO/ILO, FAO and ILO urge countries to better protect children working in fisheries and aquaculture*, press release, 27 June 2013. [www.fao.org/news/story/en/item/179016/icode/](http://www.fao.org/news/story/en/item/179016/icode/).
- 8 “A Call for Governments to Stop Supporting the Global Partnership for Oceans (GPO) and Rights-Based Fishing (RBF) Reforms.” World Forum of Fisher Peoples (WFFP) and the World Forum of Fish Harvesters and Fish Workers (WFF), 20 Mar. 2013. [www.masifundise.org.za/wp-content/uploads/2013/03/WFFP-WFF-Call-on-Governments\\_GPO\\_200313.pdf](http://www.masifundise.org.za/wp-content/uploads/2013/03/WFFP-WFF-Call-on-Governments_GPO_200313.pdf).
- 9 “Rights-based management includes any system of allocating individual fishing rights to fishermen, fishing vessels, enterprises, cooperatives or fishing communities. Such systems, which exist in all fisheries management regimes in one form or another, basically define the rights to use fisheries resources. Fishing rights have a value and can be traded.” Quoted from: “Rights-based Management Tools in Fisheries.” *Maritime Affairs and Fisheries*. European Commission. [http://ec.europa.eu/dgs/maritimeaffairs\\_fisheries/consultations/rbm/index\\_en.htm](http://ec.europa.eu/dgs/maritimeaffairs_fisheries/consultations/rbm/index_en.htm).
- 10 Ginter, J.J.C. and B. Muse. “Rights-based fishery management systems in marine fisheries off Alaska.” *Proceedings of the Eleventh Biennial Conference of the International Institute of Fisheries Economics & Trade: Fisheries in the Global Economy*, August 19–22, 2002. Wellington, New Zealand. Corvallis, International Institute for Fisheries Economics and Trade (IIFET), p. 1. [www.st.nmfs.noaa.gov/st5/abstracts/Rights\\_based\\_fishery\\_management\\_systems\\_in\\_marine\\_fisheries\\_off\\_Alaska.html](http://www.st.nmfs.noaa.gov/st5/abstracts/Rights_based_fishery_management_systems_in_marine_fisheries_off_Alaska.html).

grounds greatly affect small-scale fisheries in local communities by blocking local small-scale fisher-people's access to traditional fishing grounds; in effect, sentencing them directly to food insecurity.

Thirdly, the signing of free trade agreements undermines the small-scale fisheries sector by favoring export-oriented production. Favorable export arrangements for national products to distant markets are often linked to reciprocal access arrangements to national resources by third parties. Such agreements tend to undermine and marginalize small-scale actors, particularly women, traditionally engaged in processing and trade.

The outcome of these policies is the violation of the right to adequate food and nutrition, resulting in general insecurity in the livelihoods of fishing communities. Impoverishment forces them to search for alternate income sources. This includes out-migration, most significantly among men.

## ALTERNATIVE SOLUTIONS

Olivier De Schutter, the UN Special Rapporteur on the Right to Food, has recommended that small-scale fisheries be protected and promoted through the establishment of exclusive artisanal fishing zones and supportive cooperatives, the promotion of local co-management of resources, moratoriums on large-scale projects that disrupt small-scale fisheries and an integration of fisheries and small-scale fishers into national right to food strategies.<sup>12</sup>

In addition, the following should be carefully considered if policies are to benefit the small-scale fisheries and promote sustainable fisheries:

It is essential that small-scale fishers meaningfully participate in policy formulation and decision making processes. The inclusive and participatory process of developing the United Nations International Guidelines for Securing Sustainable Small-scale Fisheries (IG SSF) is a recent example on how small-scale fisher people are becoming increasingly recognized as key stakeholders and should be consulted as such. Support for the empowerment of small-scale fishing communities to participate in decision making is listed as the first objective of the (Zero Draft) International Guidelines: "These SSF Guidelines seek to [...] support the empowerment of small-scale fishing communities—including both men and women and vulnerable and marginalized groups—to participate in decision-making, receive and benefit from rights and assume responsibilities for sustainable resource utilization and livelihoods development."<sup>13</sup>

A human rights-based approach should be applied throughout all policy formulation, implementation and evaluation. Policies need to specifically recognize the rights of small-scale fisher people while also reflecting general human rights obligations. Access to fishing grounds, free, prior and informed consent, as well as their right to food should be respected, bearing in mind that their staple food is the fish.

Women in fishing communities are disproportionately affected by policies and practices that marginalize these communities. Whereas men can move from one area to another to search for other opportunities of earning a living when their fishing grounds can no longer support them or are closed to them, the women cannot easily move because of discrimination against their presence outside the home and community, and because traditional gender roles require their attention to maintain households and to care for children and elderly. Changes in the traditional community economy has created a destructive cycle of poverty, health risk and food insecurity.

11 The return of former Soviet Union "super-trawlers" to Senegal: In 2010 reports emerged from Senegal that several "super-trawlers" were fishing for small-pelagics in the Senegalese *exclusive economic zone (EEZ)*. By 2012, amid widespread protest by local fishing organisations, it was revealed that about 30 foreign trawlers had been issued temporary licenses to fish small-pelagics over a two year period which contravened the Senegalese Fisheries Code and Law 98-32 of 14 April 1998, article 16. Reports from Senegal suggest a marked decline in local catches and decreased availability of fish for local processing and domestic and regional trade. See: Gorez, Beatrice. "Small Pelagics Exploitation in West Africa: Side Event at COFI." *Coalition for Fair Fisheries Arrangements (CFFA)*. 2012. [www.cape-cffa.org/spip.php?article284](http://www.cape-cffa.org/spip.php?article284); "Tentative avortée de réintroduction de chalutiers pélagiques étrangers dans les eaux sénégalaises : le Conseil des ministres peut-il autoriser ce que la loi en vigueur ne permet pas ?" *APRAPAM*. Association pour la promotion et la responsabilisation des acteurs de la pêche artisanale à Mbour, 20 Déc. 2012. [www.aprapam.org/2012/12/20/tentative-avortee-de-reintroduction-de-chalutiers-pelagiques-etrangees-dans-les-eaux-senegalaises-le-conseil-des-ministres-peut-il-autoriser-ce-que-la-loi-en-vigueur-ne-permet-pas/](http://www.aprapam.org/2012/12/20/tentative-avortee-de-reintroduction-de-chalutiers-pelagiques-etrangees-dans-les-eaux-senegalaises-le-conseil-des-ministres-peut-il-autoriser-ce-que-la-loi-en-vigueur-ne-permet-pas/); "Russia & Africa's Fisheries." *Transparentsea.co*. <http://transparentsea.co/index.php?title=Russia>.

12 *Op. cit.* at 6.

13 "International Guidelines for Securing Sustainable Small-scale Fisheries: Zero Draft." *Food and Agriculture Organization of the United Nations (FAO)*, May 2012. [ftp://ftp.fao.org/FI/DOCUMENT/ssf/SSF\\_guidelines/ZeroDraftSSFGuidelines\\_MAY2012.pdf](http://ftp.fao.org/FI/DOCUMENT/ssf/SSF_guidelines/ZeroDraftSSFGuidelines_MAY2012.pdf).

With ongoing demands to care for household dependents regardless of available economic resources, women fishery workers are often forced into sex work, as one writer phrases it, exchanging “sex for fish.” This puts women at high risk to HIV/AIDS and other sexually transmitted diseases (STD). Male household members, in making long trips to distant fishing grounds and centers, may take other wives and partners, enhancing the spread of STD risk while ravaging individual and community capabilities to the human potential to withstand economic and social violation.<sup>14</sup>

There is an urgent need for policies that recognize women as the immediate household head responsible for the daily needs of food and nutrition security, especially in communities experiencing significant rates of out-migration due to the decline of traditional fisheries. The role of women as professionals with rights equal to those of men to engage in economic activities free from all kinds of discrimination also needs to be recognized and respected. In the short term, policies should therefore include special attention to women’s rights, their economic security as well as their health status. It is also urgent that discrimination against women and the violence it exposes women to must be addressed at the public policy level.

## THE SIGNIFICANCE OF THE SSF GUIDELINES

The FAO-led process in developing the IG SSF inspires hope for small-scale fisheries. Consistent with and complementary to other international instruments, the IG SSF are based on the principles of good governance and human rights. They include provisions on governance, social development, decent work, post-harvest and value chains, gender equality and equity as well as climate change and disaster preparedness.

The IG SSF recognizes the interdependence of democracy, economic development, and human rights. They promote participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law (recourse) as stipulated in the Universal Declaration of Human Rights and other relevant human rights instruments. In addition, they are being developed through a participative, consultative and inclusive process.

An alliance of civil society organizations (CSO) formed by the World Forum of Fisher People (WFFP), the World Forum of Fish Harvesters and Fishworkers (WFF), the International Collective in Support of Fishworkers (ICSF), and the International Planning Committee for Food Sovereignty (IPC) has committed to engage in the development and implementation of the IG SSF. This civil society alliance demands that due consideration is given to the integration of their political, civil, social, economic and cultural rights in the development of sustainable and responsible policies regulating small-scale and indigenous fisheries. This fundamental principle which is at the core of the 2008 CSO Bangkok Statement<sup>15</sup> requires that an ecosystem-based approach to fisheries management and development is tempered by a human rights-based approach.

The hope is that the SSF Guidelines, once adopted, will respect the aspirations of small-scale fisher-people and fishworkers, and that they will provide a framework as well as impetus for supporting small-scale fisheries. The rights of the fishing communities must be respected, protected and fulfilled so that they can continue to feed and support their communities and the world, while respecting shared natural resources as they have done for millennia.

14 Béné, C and Merten, S. “Women and Fish-for-Sex: Transactional Sex, HIV/AIDS and Gender in African Fisheries.” *World Development* Volume 36, Issue 5, May 2008, pp. 875–899. [www.sciencedirect.com/science/article/pii/S0305750X08000223](http://www.sciencedirect.com/science/article/pii/S0305750X08000223).

15 “Bangkok Statement on Small-Scale Fisheries.” *Civil Society Workshop*. Bangkok, Thailand, Oct. 2008. [www.foodsovereignty.org/Portals/0/document%20sito/Resources/Archive/Regional%20Meetings/2008-en-SSSF-bangkokstatement-english.pdf](http://www.foodsovereignty.org/Portals/0/document%20sito/Resources/Archive/Regional%20Meetings/2008-en-SSSF-bangkokstatement-english.pdf).

## 06a

# WESTERN SAHARA: EXPLOITATION THROUGH MOROCCO-EU FISHERIES AGREEMENT

## Housing and Land Rights Network<sup>1</sup>

Morocco's waters have been over-fished and depleted, and the country now relies on Western Saharan fishing waters with an estimated 70–90% of catches originating from them.<sup>2</sup> The sovereignty of this disputed area is not established as Morocco and the Sahrawi independence movement have been in conflict over it since the 1960s. The coastal area of Western Saharan has been occupied by Morocco since 1975.

Since 2005, Morocco has had a fisheries' partnership agreement with the EU, allowing foreign use of fishing waters located on the coast of Morocco and also of Western Sahara. This agreement was terminated after the European Parliament voted against its renewal in late 2011, citing a failure to fund the development of local fisheries and other shortcomings in terms of ecological sustainability. Furthermore, there was a lack of evidence that funds were benefiting the local Sahrawi people directly, as they were excluded from consultation.<sup>3</sup>

Despite the territorial dispute ongoing in this area, a new fisheries agreement is currently under negotiation between Morocco and the EU.<sup>4</sup> The new proposed agreement is not much different than the previous agreement. Until the issues related to Morocco's occupation of Western Sahara are settled, the renewal of such an agreement would further enable Morocco's illegal occupation of Western Sahara, violating the rights and access to resources of the people of Western Sahara and breaching the extraterritorial obligations of states involved.

The European Parliament has expressed concern over the international legal violations of the agreement. In response, the European Commission proposed to include a human rights clause in the agreement. This position has been widely criticized as adding a human rights clause does not make the agreement legal under international law.<sup>5</sup> In addition, the current situation in Western Sahara, especially in the area under Moroccan control, does not meet basic human rights standards.<sup>6</sup> It is evident that Morocco has shown reluctance in addressing the pressing human rights concerns in the country as four European MPs who were part of a delegation observing the human rights situation in Western Sahara were recently refused entry by Moroccan authorities.<sup>7</sup>

In conclusion, any fisheries agreement that Morocco would conclude with the EU, or any other party, will be heavily reliant on access to Western Saharan waters and will likely result in similar ecological damage to the area. Reengaging in a fisheries partnership agreement between Morocco and the EU would further hinder the ability to find a real solution to this ongoing conflict.

- <sup>1</sup> [The Housing and Land Rights Network \(HLRN\)](#) is a Habitat International Coalition's member group based in Cairo, Egypt which works in the area of human settlements and the promotion of the human right to adequate housing and land. The Network publishes a quarterly newsletter, *Land Times*, providing updates on land issues in the MENA region. Please visit: <http://landtimes.landpedia.org/>.
- <sup>2</sup> Erik Hagen, The Role of Natural Resources in the Western Saharan Conflict, and the Interests Involved, *International Conference on Multilateralism*, 4–5 December 2008, Pretoria. [www.unisa.ac.za/contents/faculties/law/docs/15hagen.pdf](http://www.unisa.ac.za/contents/faculties/law/docs/15hagen.pdf).
- <sup>3</sup> "MEPs Reject Extension of the EU-Morocco Fisheries Agreement and Call for a Better Deal." *EU Parliament News*, 14 Dec. 2011. [www.europarl.europa.eu/news/en/pressroom/content/20111215IPR34070/html/Extension-of-EU-Morocco-fisheries-agreement-rejected-call-for-a-better-deal](http://www.europarl.europa.eu/news/en/pressroom/content/20111215IPR34070/html/Extension-of-EU-Morocco-fisheries-agreement-rejected-call-for-a-better-deal).
- <sup>4</sup> "Morocco: 'European Parliament is a dinosaur'", *Western Sahara Resource Watch*, 5 April 2013. [www.wsrw.org/a105x2558](http://www.wsrw.org/a105x2558).
- <sup>5</sup> "MEPs Ask EU Commission to Respect International Law in Western Sahara", *Western Sahara Resource Watch*, 19 March 2013. [www.wsrw.org/a105x2544](http://www.wsrw.org/a105x2544).
- <sup>6</sup> For a detailed account on the current human rights issues in Western Sahara, please see: "Western Sahara: Report on Human Rights Violations." *Robert F. Kennedy Center for Justice & Human Rights*, 2013. <http://rfkcenter.org:8080/western-sahara-report-on-human-rights-violations?lang=en>.
- <sup>7</sup> *Op. cit.* at 5.

NATIONAL AND  
REGIONAL  
REPORTS:  
Monitoring the  
Human Right to Food  
and Nutrition

# 07

## AFRICA

### 07a

## TREE PLANTATIONS AND LAND GRABBING IN NIASSA, MOZAMBIQUE

Philip Seufert<sup>1</sup>

Mozambique is one of the poorest countries in the world. Around 35% of Mozambican households are chronically food insecure and 46% of all children below 5 years of age are malnourished. Eighty percent of the population live in rural areas and depend on agriculture and the use of natural resources for their livelihoods. Women, especially, play an important role in guaranteeing sufficient food supplies for their families.<sup>2</sup>

- <sup>1</sup> Philip Seufert is a program officer at FIAN International, where he works on topics relating to access to natural resources and land grabbing. FIAN has a long history of documenting cases of agrarian conflicts and violations of the right to food linked to the loss of access to land and natural resources, as well as of supporting small-scale food producers' communities fight for their rights.
- <sup>2</sup> For more background information please see: "Land Grabbing in Kenya and Mozambique: A Report on Two Research Missions— And a Human Rights Analysis of Land Grabbing in Kenya and Mozambique." FIAN International for the Hands off the Land Alliance, Apr. 2010. [www.fian.org/en/library/publication/detail/land-grabbing-in-kenya-and-mozambique/](http://www.fian.org/en/library/publication/detail/land-grabbing-in-kenya-and-mozambique/).
- <sup>3</sup> "The Human Rights Impacts of Tree Plantations in Niassa Province, Mozambique." FIAN International for the Hands off the Land Alliance, Sept. 2012. [www.fian.org/en/library/publication/detail/the-human-rights-impacts-of-tree-plantations-in-niassa-province-mozambique/](http://www.fian.org/en/library/publication/detail/the-human-rights-impacts-of-tree-plantations-in-niassa-province-mozambique/).
- <sup>4</sup> Gregow, Karen et al. "The Race for Land." Swedish Cooperative Center, Forum Syd, Afrikagrupperna, 2012. [www.weeffect.se/wp-content/uploads/2013/02/LandGrabbingReport\\_INLAGA\\_LOW-2.pdf](http://www.weeffect.se/wp-content/uploads/2013/02/LandGrabbingReport_INLAGA_LOW-2.pdf).
- <sup>5</sup> Many people have only short-term contracts or are employed as seasonal workers. The minimum wage for agricultural workers in Mozambique is around 66 Euro per month. A World Bank report stated that this is insufficient to compensate for lost livelihoods based on family agriculture, see *op. cit.* at 3, p. 23.

To boost development, the Mozambican government and donors have been actively promoting private investment in large-scale tree plantations. The National Reforestation Strategy has set the objective of establishing tree plantations on 1.3 million hectares of land over the next 20 years. The province of Niassa, in the north of the country, is one of the areas where such plantations are being developed. According to recent figures, six companies are operating on a total project area of 550,000 hectares, of which around 28,000 hectares are planted with pine and eucalyptus trees.

### THE CASE OF CHIKWETI FORESTS OF NIASSA

One of these companies is Chikweti Forests of Niassa, a subsidiary of a Sweden-based investment fund called Global Solidarity Forest Fund (GSFF).<sup>3</sup> Chikweti started operating in 2005 and has acquired around 45,000 hectares of land in the districts of Lago, Lichinga and Sanga, of which 13,000 have already been planted.

The stated purpose of Chikweti, which was initiated by the Diocese of Västerås in Sweden, is to combine local development initiatives with financial returns for investors. Chikweti's operations have, instead, severely impacted peasant communities in the project area, whose most important source of livelihood is family agriculture. Specifically, these operations undermine their right to adequate food and water by reducing their access to farmland and native forests by establishing tree plantations on lands and forests previously used by local people for food production. Moreover, community consultations have not reflected the standards required by Mozambican law. In some cases, communities have protested against the project and the way it is being implemented through the burning and destroying of such plantations.<sup>4</sup>

Chikweti promised to provide jobs if people ceded their lands, but the jobs that have been created are few, unstable and poorly paid.<sup>5</sup> Thus, they do not provide alternative sources of livelihood to local people. In light of similar projects, it can be

expected that these tree plantations in Niassa will eventually lead to water shortages and severe long term environmental impacts, including the destruction of local ecosystems, loss of biodiversity and soil degradation.

Following serious critique against Chikweti, changes were made in the management and policies of Chikweti in 2011. So far, however, the negative human rights impacts in Niassa have not yet been addressed, although there are indications that the dialogue between the company and the communities has improved.<sup>6</sup>

## STATE OBLIGATIONS

The case in Niassa demonstrates how an agenda of promoting large-scale private land acquisition leads to conflicts and violations of the right to adequate food for local people. While the Mozambican state carries the main responsibility for preventing violations and protecting the right to food of local people, the home states of investors also carry responsibilities and obligations. In the case of Niassa, Sweden's extraterritorial obligations are involved in three contexts: i) by promoting and financing the establishment of tree plantations in Niassa through its development agency, SIDA, ii) as home state of the GSFF, and iii) as home state to at least one of the investors in the GSFF, namely the Diocese of Västerås.<sup>7</sup> Sweden has breached its extraterritorial human rights obligations by creating a risk of impairing human rights through its development cooperation and by not taking measures to protect the rights of local people in Niassa. All home states of shareholders of GSFF are complicit in the human rights abuses by not taking appropriate steps to prevent them. Swedish government and business involvement in Niassa thus play a crucial role in pressuring the government of Mozambique to actively promote large-scale tree plantations while disregarding its own national laws, which exist to protect people's customary rights to land.

## LAND TENURE AND THE PUSH FOR THE PRIVATIZATION OF LAND IN MOZAMBIQUE

The system of land tenure in Mozambique is primarily regulated by the Land Law of 1997, which has been internationally acknowledged as one of the most progressive regarding the recognition of rural communities' customary land rights and the way in which it deals with collective and community tenure. The case of Niassa, however, shows that private investors with the support of national and local authorities, do not respect the legal requirements or even abuse existing gaps in the law and land regulation.

The Land Law has repeatedly been facing strong pressures by investors, some members of the Mozambican governments and donors who have been pushing for land privatization for many years, arguing that the Land Law is not compatible with economic development policies. This pressure has now been intensified with the *G8 New Alliance for Food Security and Nutrition in Africa*, to which Mozambique is a target country. The "New Alliance Cooperation Framework for Mozambique"<sup>8</sup> contains several provisions aimed at promoting agribusiness investment. Under this framework, the Mozambican government has committed to "reform" the land use rights system in a way that facilitates increasing privatization and commoditization of land.

6 "The Anatomy of a Mozambique Land Deal." *IRIN Africa*. Humanitarian News and Analysis, 22 May 2013. [www.irinnews.org/report/98077/the-anatomy-of-a-mozambique-land-deal](http://www.irinnews.org/report/98077/the-anatomy-of-a-mozambique-land-deal).

7 Other investors to GSFF include the church endowment fund OVF from Norway and the Dutch pension fund ABP, which holds 54.5% of GSFF.

8 "Cooperation Framework to Support the New Alliance for Food Security & Nutrition in Mozambique." *Feedthefuture.gov*. G8 New Alliance for Food Security and Nutrition. <http://feedthefuture.gov/sites/default/files/resource/files/Mozambique%20Coop%20Framework%20ENG%20FINAL%20u-cover%20REVISED.pdf>.

With the *New Alliance* pushing further in the direction of large-scale land acquisitions by companies and commoditization of land, an increase of conflicts and human rights violations, as exemplified by the Niassa case, can be expected. It is important to underline that donors and the home states of investors have responsibilities and obligations. Just as the case of Niassa, the G8 *New Alliance* needs to be put into context: Mozambique, an extremely poor country, depends on Official Development Assistance (ODA) to fund half of its national budget. This results in a very unequal power relationship between Mozambique and its donors, which makes it difficult for Mozambique to resist donors' demands. Therefore, the responsibility for the human rights abuses related to this type of "development" cannot be pinned exclusively on Mozambique. With the G8 *New Alliance*, donor funding by the G8 is tied to the implementation of policies designed to encourage large-scale private land acquisition. Therefore, human rights abuses in the context of land disputes, that are likely to increase, involve the extraterritorial human rights obligations of donors, namely the G8.

#### CONCLUSION

The G8 and other donors, as well as the home states of investors, must meet their obligations under international human rights law to respect and protect the right to food, and ensure that national legislations protecting people's means of subsistence, including access to land, are not being undermined. As the case example from Niassa shows, what is needed are concerted efforts to protect and strengthen the land rights of rural Mozambican communities, rather than encouraging further privatization and agribusiness investments.

## 07b

### LAND GRABBING IN TOGO: THE STATE MUST ASSUME ITS RESPONSIBILITIES

#### ANoRF-Togo<sup>1</sup>

In the 2011 edition of the *Right to Food and Nutrition Watch*, the issue of land grabbing in Togo and land governance-related problems was introduced. Among the solutions suggested was the need to ensure the implementation of the treaties guaranteeing the right to food ratified by Togo, conciliating customary law and written law relating to the acquisition of land, as well as a real effectiveness of the justice system in the country.

One of the major questions that remain is the dilapidated state of the Togolese legislative and legal framework. In fact, the tenure laws date back to the 1960s and no longer conform to the current reality. In addition, the administrative difficulties

between the various overly-centralized state services do not allow for the sustainable development of rural zones. Many problems stem from this, especially a phenomenon of land commoditization and speculation in urban and rural areas, complexity and slowness in the judicial process at all levels, as well as common practices of expropriation which often do not comply with the existing rules.

## UNREGULATED LAND INVESTMENTS

Currently, the magnitude and growing number of land investments in developing countries, particularly in Africa, are affecting the food security of local populations. If, after decades of under-investment, renewed interest from public and private investors is necessary, it is nevertheless essential to put regulatory frameworks in place which are primarily of benefit to the rural populations, to improve food security and allow for sustainable management of land and other natural resources. In Togo, lands fall under the regime of private or collective property which must be regulated and protected by the state.

However, given the lack of regulation by the Togolese State, numerous ongoing land transactions are impoverishing the rural communities. Forced into poverty, people end up selling off dozens or even hundreds of hectares of land, mainly in areas with high agricultural potential, such as in the prefectures of Amou, Ogou, East-Mono, Haho, Kpélé and Kloto in the plateau region, as well as those on the plain of Mò in the central region. The purchasers, often high-up, affluent officials, politicians or businessmen, do not hesitate to use their influence to obtain land. To curb the resistance of the peasants, they use methods ranging from creating and sustaining inter-community conflicts to outright intimidation, using empty promises of job creation, as well as land sharing with a view to purchasing it very cheaply. Moreover, many of these lands are not cultivated and just have a speculative value. Looking into the most scandalous cases of abusive expropriations, the consultation process carried out in the framework of The Diagnostic Study of the Togolese Land System (l'Étude diagnostique du système foncier togolais) has reported several situations of straying from the initial objective, in which owners were cheated on false grounds of public use.<sup>2</sup>

From the point of view of the right to food, all of these events cause various violations of human rights. The food security of rural communities is strongly compromised, since the latter are deprived of their main production tool.

## ADVOCACY AT THE UNITED NATIONS

Formed in 2013, and consisting of eleven organizations, including ANoRF-Togo, the Coalition ESCR-Togo (Coalition DESC-Togo) submitted an alternative report to the United Nations Committee on Economic Social and Cultural Rights (CESCR), on the occasion of the examination of the official report by Togo in May of 2013.<sup>3</sup> Worried by the problems of food security linked to access to land and water, amongst others, the Coalition presented several recommendations:

- improve the diversification of cultures and storage conditions of food products, and make quality seeds available;
- reconstruct extension services in the agricultural sector (training, sharing techniques, etc.) and to strengthen controls on food safety, especially on imported food, as well as water;

1 Following the launch of the [African Network on the Right to Food \(ANoRF\)](#), on 11 July 2008 in Cotonou, Benin, Togolese organizations, founding members of the regional network, created the Togo branch in 2009. ANoRF-Togo is a member of the ESCR-Togo Coalition (Coalition DESC-Togo), the national coalition of civil society organizations in Togo for the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR). ANoRF-Togo's vision is to work for a Togo where a hunger-free population actually enjoys its right to adequate food. The Togolese branch has several achievements to its credit, including a study on the current situation of the right to food in Togo. For more information you can consult: <http://rapda.org/en/>.

2 The Diagnostic Study of the Togolese Land System was conducted within the framework of a preliminary draft land code which is part of the process of the implementation of the national housing strategy adopted by the government in June 2009. It was carried out by the group of independent consultants GCI/DATA under the supervision of a multidisciplinary team composed of representatives of the ministries of economy and finance; agriculture, livestock and fisheries; justice; and of town planning and housing. The study is result of a preliminary draft worked on from December 2011 and validated in March 2012 in Lomé. One-week long thematic meetings were held in June 2012 in the various economic regions of Togo and the study was enhanced, in July 2012, with the results of a socio-economic survey taken amongst the various land stakeholders in the country. The documents can be found in French at: [http://www.togoreforme.com/fr/index.php?option=com\\_docman&task=search\\_result&Itemid=65](http://www.togoreforme.com/fr/index.php?option=com_docman&task=search_result&Itemid=65).

3 Coalition DESC-Togo, *Rapport de la Coalition DESC-Togo sur différentes préoccupations des populations relatives aux droits reconnus par le PIDESC*, Lomé, 29 mars 2013. [www2.ohchr.org/english/bodies/cescr/docs/ngos/CoalitionDESCTogo50.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/ngos/CoalitionDESCTogo50.pdf).

- set up a unit to control and harmonize the price of staple foods;
- adopt a national strategy aimed at the realization of the right to food, and integration in the constitution of the right to water and sanitation;
- reform the legal arsenal with regard to land tenure through the adoption of laws which take into account the opinions and needs of local, urban and rural populations;
- regulate the acquisition of rural land to protect local populations from land grabbing, and establish an institutional framework for effective action to control sales and punish non-compliance with existing rules;
- ensure fair access to rented housing, combined with price control, as well as a definition of minimum habitable conditions in the country;

In its Concluding observations, the CESCR asked Togo to reinforce its legal framework on the right to food, and, for the New National Program for Agricultural Investment and Food Security (Programme national d'investissement agricole et de sécurité alimentaire, PNIASA) to aim at implementing this right. The Committee has also urged the state party to make, as soon as possible, land reforms which take into account the vulnerability of landowners to land grabbing and to bring its legislation on forced evictions in line with international standards, especially with regard to the obtaining of the free, prior and informed consent.<sup>4</sup>

## CONCLUSION

The Coalition ESCR-Togo came out of the Geneva meeting strengthened, and will continue to pursue its teamwork to guarantee the implementation of these recommendations. It is essential to encourage consultation and participation of all members of Togolese society in order to ensure civic control over the responsible management of public policies, particularly those linked to the fundamental rights of the population. The Coalition intends to monitor the PNIASA and will ensure that regulatory frameworks governing land investments are implemented in such a way to ensure responsible, transparent and non-discriminatory practices.

<sup>4</sup> CDESC, *Observations finales sur le rapport initial du Togo, adoptées par le Comité à sa cinquantième session (29 avril–17 mai 2013)*, Genève, 17 mai 2013, Observations 24, 25, 26 et 28. [www2.ohchr.org/english/bodies/cescr/docs/co/E-C-12-TGO-CO-1\\_fr.doc](http://www2.ohchr.org/english/bodies/cescr/docs/co/E-C-12-TGO-CO-1_fr.doc).

## 07c

# LAND INVESTMENT IN SOUTH SUDAN: A DANGEROUS GAME FOR THE WORLD'S NEWEST COUNTRY

Emily Mattheisen<sup>1</sup>

In July of 2011, after thirty years of civil war, and the resulting damage to housing, land and the economy, South Sudan emerged a “free” and “sovereign” state, although highly fragmented and dependent on aid. This fragile nation with rampant corruption makes it a lucrative target for widespread private investment and land acquisition. The current trend of land grabbing involving African states, foreign investors

and subsequent control over valuable natural resources constitutes a new form of domination that seriously threatens the foundation and reinforcement of state sovereignty and the rights of people to access and manage the resources necessary to realize their right to food.

## POST-CONFLICT LAND ACQUISITION

In a post-conflict country such as South Sudan, which is lacking investment and has little natural resources to offer the global market, foreign land investments are deceptively attractive.<sup>2</sup> Between the years 2007 and 2010, foreign companies, governments and individuals acquired at least 2.64 million hectares of land, roughly the size of Slovenia, in South Sudan.<sup>3</sup> This means that on the 9<sup>th</sup> of July 2011, the day the Comprehensive Peace Agreement<sup>4</sup> expired and South Sudan gained independence, approximately 9% of the territory was already under foreign control, and this number continues to grow.

The ability of governments to lease, or make land available in the first place rests on the lack of clarity in land tenure, specifically the lack of cohesion between customary and statutory land laws. In Sub-Saharan Africa, over 90% of land is regulated under an informal system, but much of the land is *formally* owned by the government and those that utilize it do not have a formal title or ownership over it.<sup>5</sup> The situation in South Sudan is even more difficult as many people have been displaced from their previous lands due to the conflict. Additionally, the interference of financial institutions, such as the World Bank, and other international actors in reformatting land policies has created a more favorable climate for foreign investment.<sup>6</sup>

Many proponents of these deals claim that agricultural investment will tackle issues of domestic food insecurity. However, most of them proceed in a very opaque manner as it is very hard to obtain information on the money exchanged, the players involved or their real motives. This phenomenon has been thoroughly documented by researchers, particularly through the Oakland Institute.<sup>7</sup> What is clear in many of these reports is that all investments taking place in South Sudan have a considerable amount of risk involved for both parties, but in particular for the local communities. Although the government is making steps towards developing land policies, South Sudan still lacks a clear system of land tenure. Without clear rules and consistency on the part of the government, many communities risk being deprived of their right to free, prior and informed consent<sup>8</sup> and also being displaced. Essentially what is lost is the often claimed “community benefit” of these agricultural investments.

## ACCESS TO LAND

According to the World Food Program (WFP), approximately 90% of South Sudanese households depend on crop farming, animal husbandry, fishing or forestry to meet their needs, which implies a reliance on access to land. Most of the larger land deals that have been made concerned land already used by communities, and several are located in densely populated areas, where “tens or even hundreds of thousands of people rely on land and natural resources for their daily livelihoods.”<sup>8</sup> Large-scale land grabbing seriously threatens how many families meet their basic needs in South Sudan. These land deals indicate that the land can support a large amount of agriculture and produce a sizeable amount of food, yet the WFP anticipates providing

- 1 [Emily Matheisen](#) works with the Housing and Land Rights Network, part of the Habitat International Coalition and a *Watch* consortium member, based in Cairo, Egypt.
- 2 Alexandra Spieldoch, “Global Land Grab,” *Foreign Policy in Focus*, 2009. [www.fpif.org/articles/global\\_land\\_grab](http://www.fpif.org/articles/global_land_grab).
- 3 David K. Deng, *The New Frontier: A Baseline Survey of Large-scale Investment in Southern-Sudan*, Norwegian People’s Aid, 2011. [http://southsudaninfo.net/wp-content/uploads/reference\\_library/reports/new\\_frontier\\_large-scale\\_land\\_grab\\_south\\_sudan.pdf](http://southsudaninfo.net/wp-content/uploads/reference_library/reports/new_frontier_large-scale_land_grab_south_sudan.pdf).
- 4 The Comprehensive Peace Agreement (CPA) was an agreement signed between the north and south of Sudan in 2005, and put a formal end to 21 years of civil war.
- 5 O. De Schutter, *Large-scale Land Acquisitions and Leases: A Set of Core Principles and Measures to Address the Human Rights Challenge*, OHCHR, 2009. [www.srfood.org/images/stories/pdf/otherdocuments/20090611\\_large-scale-land-acquisitions\\_en.pdf](http://www.srfood.org/images/stories/pdf/otherdocuments/20090611_large-scale-land-acquisitions_en.pdf).
- 6 S. Daniel & A. Mittal, *(Mis)investment in Agriculture: The Role of the International Finance Corporation in Global Land Grabs*, Oakland Institute: 2010. [www.oaklandinstitute.org/misinvestment-agriculture-role-international-finance-corporation-global-land-grab](http://www.oaklandinstitute.org/misinvestment-agriculture-role-international-finance-corporation-global-land-grab).
- 7 For more detailed information on specific cases, please see: David K. Deng, “Country Report: South Sudan,” *Understanding Land Investment Deals in Africa*, 2011. [www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI\\_country\\_report\\_south\\_sudan\\_1.pdf](http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_country_report_south_sudan_1.pdf) and Oxfam Briefing Paper n°151, *Land and Power, the growing scandal surrounding the new wave of investment in land*, 22 Sept. 2011, pp.13–14. [www.oxfamnovib.nl/Redactie/Downloads/Rapporten/bp151-land-power-rights-acquisitions-220911-en.pdf](http://www.oxfamnovib.nl/Redactie/Downloads/Rapporten/bp151-land-power-rights-acquisitions-220911-en.pdf). The Land Matrix also provides a list of most publicized land deals, size of the invested area and the financials involved, which can be found here: [www.landmatrix.org/get-the-detail-by-target-country/south-sudan](http://www.landmatrix.org/get-the-detail-by-target-country/south-sudan).
- 8 “Free, prior and informed consent (FPIC) is the principle that a community has the right to give or withhold its consent to proposed projects that may affect the lands they customarily own, occupy or otherwise use.” More information can be found through the Forest Peoples Program: [www.forestpeoples.org/guiding-principles/free-prior-and-informed-consent-fpic](http://www.forestpeoples.org/guiding-principles/free-prior-and-informed-consent-fpic).

food assistance in 2013 to some 2.8 million South Sudanese, which amounts to approximately 28% of the total population.<sup>9</sup>

## MOVING FORWARD

It is time to question the ethical and legal obligations of the government of South Sudan, as it welcomes foreign investments in agriculture mainly intended for food export despite the fact that a significant proportion of the local population lacks access to food and thus cannot realize its right to food.

Although South Sudan has become a member to the United Nations and the African Union, it has not yet signed many key international protection instruments, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the African Charter on Human and Peoples' Rights (the Banjul Charter). The Banjul Charter contains a progressive reading of human rights, and holds the core principle of food sovereignty, which is local control over food systems. Article 21, which explicitly provides protection from the exploitation of natural resources and a repeat of the continents colonial past, and should be read in light of the current threat of land-grabbing, states that "peoples shall freely dispose of their wealth and natural resources and be provided adequate compensation and reparation for property loss," and that states "shall undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies." Human rights instruments can provide an important normative framework of legally binding state responsibility. It is urgent that South Sudan moves forward in that direction starting with ratifying and implementing these instruments.

Another important area to focus on during this transition is the extraterritorial obligations of states that are investing in South Sudan.<sup>10</sup> It is imperative that foreign investors follow strict regulations regarding the social, economic and environmental impacts on the countries they are investing in, and this has to be ensured by the states in compliance with their human rights obligations. Other international instruments that the state can use as guidance are the recently adopted Guidelines on the Responsible Governance of Tenure,<sup>11</sup> particularly when implementing the new land policy that has been adopted by the government of South Sudan.<sup>12</sup>

As of now, most of the population has not benefited from secession and has seen no improvements in terms of basic services and livelihood.<sup>13</sup> There is a pressing need to put people before profits. Strategies that allow for local control over natural resources will not only boost the local economy in a culturally appropriate way, but have the potential to decrease aid dependency. The current trend of land acquisition across this country has not been fully publicized, due to the unstable political situation. Thus it is imperative that the government and the people of South Sudan act now to reverse it and to ensure that their rights are upheld and their resources preserved. This will be a primary strategy for the world's newest country to reach true independence and freedom.

9 *Op. cit.* at 5.

10 South Sudan: Overview, *World Food Programme*, 2013. [www.wfp.org/countries/south-sudan/overview](http://www.wfp.org/countries/south-sudan/overview).

11 For more information on the extra-territorial obligations of States, visit: [www.etoconsortium.org](http://www.etoconsortium.org).

12 "Voluntary Guidelines on the Responsible Governance of Tenure." *Natural Resources and Environment: About the Voluntary Guidelines on Tenure*. FAO. [www.fao.org/nr/tenure/voluntary-guidelines/en/](http://www.fao.org/nr/tenure/voluntary-guidelines/en/).

13 *Draft Land Policy*, Southern Sudan Land Commission, Government of South Sudan, 2011. At the time this article was written the final approved policy was not available. The above information was taken from the policy draft written in 2011, which can be found here: [www.scribd.com/doc/49522360/Draft-Land-Policy](http://www.scribd.com/doc/49522360/Draft-Land-Policy).

14 Hereward Holland and Pascal Fletcher, "Special Report: In South Sudan, Plunder Preserves a Fragile Peace," *Reuters*, 20 Nov. 2012. [www.reuters.com/article/2012/11/20/us-south-sudan-governors-idUSBREBA108N20121120](http://www.reuters.com/article/2012/11/20/us-south-sudan-governors-idUSBREBA108N20121120).

## 08a

INDIA'S NATIONAL FOOD SECURITY BILL:  
HOPE OR HYPE?Biraj Patnaik<sup>1</sup>

The Congress party, which heads the ruling United Progressive Alliance, had as part of its election manifesto in 2009 promised to enact a “right to food law that guarantees access to sufficient food to all people, particularly the most vulnerable sections of the society.” This is particularly relevant in India, because although it is now the third largest economy in the world,<sup>2</sup> half of all children in India are malnourished. The National Food Security Bill (NFSB)<sup>3</sup> could potentially be a culmination of the struggle of the Right to Food Campaign, both through the courts and the streets, to ensure a hunger and malnutrition free India. Yet, the Indian Parliament did not manage to enact the National Food Security Bill in the session concluded in May of 2013, and the passage of this landmark legislation has been postponed again. The National Food Security Bill was finally promulgated as a presidential ordinance on July 5<sup>th</sup>, 2013 and will now have to be passed by the Indian Parliament within six weeks in order to become permanent legislation. Right to Food campaigners have continued to oppose this legislation in its present form,<sup>4</sup> and demand a further expansion of the bill, not just to enlarge the entitlements that are being proposed, but to also broaden the scope of the right to food to include access to land, agriculture and water. Fiscal conservatives, both within the government and outside, have been arguing that the current provisions of the bill are a fiscal burden that the Indian economy simply cannot support.<sup>5</sup> On the extreme right, there is a clamour of voices<sup>6</sup> arguing that the bill is attempting to fix a problem that does not exist. They argue that India’s malnutrition figures are much lower than those that are being projected, and all India needs to do is to change the standards by which malnutrition is measured, instead of following the globally accepted remedy to the situation!

## STATUS OF INDIA'S NATIONAL FOOD SECURITY BILL

In all of this controversy, the intent and the scope of the first version of the NFSB, drafted by the Right to Food Campaign<sup>7</sup> in India, is being lost, and the version of the bill as tabled in Parliament is likely to be enacted as legislation. Make no mistake, even in its present shape,<sup>8</sup> the legislation is ground breaking and much needed. It will provide, perhaps for the first time, a framework of entitlements, using a life cycle approach, that will reach more than three-quarters of the Indian population.

On the positive side, the bill provides highly subsidised food grains (25 kg per month/per household of either rice or wheat or millets) to 75% of the rural and 50% of the urban population. Of these, 25 million very poor households will get an additional

1 [Biraj Patnaik](#) is the Principal Advisor to the Commissioners of the Indian Supreme Court in the Right to Food case. The views expressed here are personal.

2 Adjusted for purchasing power parity.

3 “The National Food Security Bill”, Bill No. 132 of 2011, 15<sup>th</sup> Lok Sabha—Parliament of India, 19 Dec. 2011. <http://dftp.nic.in/ncamin/FSBILL/food-security.pdf>.

4 *Right to Food Campaign*. “Right to Food Campaign rejects the National Food Security Bill cleared by the Cabinet”. March 19<sup>th</sup>, 2013. [www.sacw.net/article4000.html](http://www.sacw.net/article4000.html).

10 kg of food grains a month at the same rate. The 35 kg of food grains will cost households between 63 cents–\$1.26 depending on whether they choose rice, wheat or millets.

Free meals will be provided to all school children who attend government or government-aided schools, to all children below the age of six, and to all pregnant and nursing mothers. In addition, a maternity entitlement of Rs.6000 (\$110 approx.), spread over six months would be provided as support to all pregnant and nursing mothers in the country. What is to be noted here is that besides maternity entitlements, most provisions including school meals and universal supplementary feeding for all children below the age of six, and pregnant and lactating mothers, are already operational because of Supreme Court orders. There is therefore very little additional fiscal burden on account of these provisions in the NFSB.

### CRITICISMS OF INDIA'S NATIONAL FOOD SECURITY BILL

On the other hand, the biggest criticism that the NFSB faces from right to food activists across the country is that this bill is, at best, a food entitlement bill and not a legislation in line with the right to food. A right to food legislation that does not factor in production issues directly, has no relief for farmers, especially small holders, in a country where more than a quarter of a million farmers have committed suicide since 1996, is completely unacceptable. The key determinants of the right to food from the perspective of farmers are only listed as enabling provisions and not as justiciable entitlements. Even the Minimum Support Price (MSP) mechanism, which is a statutory guarantee provided by the Indian government to all farmers to procure their produce at the time of harvest has not been converted into a legal guarantee in the NFSB. This is clearly the biggest opportunity lost to mitigate the relentless, on-going agrarian crisis in the country for the past two decades. Eighty percent of Indian farmers are small and marginal landholders with less than two hectares of land. Nearly all of them are also net purchasers of food. It was imperative therefore that the concerns of farmers should have been central to the legislation.

Regarding the nutritional aspects of the legislation, groups working on children's right to food<sup>9</sup> have criticised the legislation for focusing only on the access and availability dimensions of the right to food, and not on the nutritional dimension. Key social determinants of malnutrition like access to safe drinking water, sanitation (close to 60% of all open defecations in the world each day are in India),<sup>10</sup> access to quality health care at the primary and secondary level, and provisions for children with severe acute malnutrition have all been left out of the legislation. Nutritional aspects are only specified in a way that promotes corporate interests active in industrial food fortification, as 50% of a child's required daily allowance of micro-nutrients must come from the meals that are provided in schools. The capacity of local communities to prepare food is thus overlooked in favour of industrial food supplement programs. In fact, this aspect of the legislation contravenes multiple rulings by the Supreme Court of India.

For instance, in view of the corruption in the provisioning of meals to children below the age of six, the Indian Supreme Court had passed a series of orders banning private contractors and asking the government to ensure that local communities, especially women's self-help groups, prepare these meals themselves.

Critics also point out that the final version of the legislation has left out provisions for community kitchens for urban poor, protocols for communities who

- 5 Gulati, Ashok, Gujral, Jyoti, & Nandakumar, T. et al. "National Food Security Bill: Challenges and Options" (Discussion Paper No. 2., Commission for Agricultural Costs and Prices, December 2012. <http://cacp.dacnet.nic.in/NFSB.pdf>.
- 6 Panagariya, Arvind. "Does India Really Suffer from Worse Child Malnutrition Than Sub-Saharan Africa?" *Economic and Political Weekly*, Vol.—XLVIII No. 18., May 4<sup>th</sup>, 2013. [www.epw.in/special-articles/does-india-really-suffer-worse-child-malnutrition-sub-saharan-africa.html](http://www.epw.in/special-articles/does-india-really-suffer-worse-child-malnutrition-sub-saharan-africa.html).
- 7 *Right to Food Campaign*. Food Entitlements Act. September 12<sup>th</sup>, 2009. [www.righttofoodindia.org/data/rtf\\_act\\_draft\\_charter\\_sept09.pdf](http://www.righttofoodindia.org/data/rtf_act_draft_charter_sept09.pdf).
- 8 "Amendments in the National Food Security Bill Introduced in the Lok Sabha Bill Provides Rice at the Rate of Rs 3 and Wheat at Rs 2 per kg. Food Security Allowance in Case of Non Supply of Foodgrains Proposed Special Focus on Nutritional Support to Women and Children. Women to Get 6000 Rs Maternity Allowance Besides Nutritional Food." *Press Information Bureau Government of India Ministry of Consumer Affairs, Food & Public Distribution*, May 2013. <http://pib.nic.in/newsite/PrintRelease.aspx?relid=95441>.
- 9 *Right to Food Campaign*. "Critique of the National Food Security Bill"—Part I and Part II, February 2012. [www.righttofoodindia.org/data/right\\_to\\_food\\_act\\_data/events/March\\_2012\\_general\\_note\\_final\\_18\\_february\\_2012.pdf](http://www.righttofoodindia.org/data/right_to_food_act_data/events/March_2012_general_note_final_18_february_2012.pdf); [www.righttofoodindia.org/data/right\\_to\\_food\\_act\\_data/events/March\\_2012\\_clause\\_by\\_clause\\_critique\\_final\\_18\\_february\\_2012.pdf](http://www.righttofoodindia.org/data/right_to_food_act_data/events/March_2012_clause_by_clause_critique_final_18_february_2012.pdf).
- 10 UNICEF & World Health Organisation. "Progress on Drinking Water and Sanitation: 2012 Update." [http://whqlibdoc.who.int/publications/2012/9789280646320\\_eng\\_full\\_text.pdf](http://whqlibdoc.who.int/publications/2012/9789280646320_eng_full_text.pdf).

face chronic hunger and starvation and emergency feeding of destitute persons.<sup>11</sup> Notably, all of these issues were present in the previous versions of the bill including the penultimate version that was tabled in Parliament.

Lastly, at the heart of any legislation on economic, social and cultural rights is the question of justiciability, accountability and transparency. The National Advisory Council (NAC), which is a formal interface between civil society and the government, had designed a robust mechanism for ensuring these indispensable principles in the first version of the bill. The Right to Food Campaign worked closely with the National Advisory Council on the initial drafts that were made by the NAC. The framework for the law and the detailed legal entitlements were provided by the campaign as inputs for the NAC drafting process. When it became clear that the core demands, especially on the question of universalization of all entitlements, would be whittled down throughout the NAC's extensive negotiations with the government, the campaign decided to distance itself from the NAC drafting process. The government has, indeed, trimmed down subsequent versions to the extent that, as it stands today, the grievance redress mechanism will not be independent and may end up as just another scheme to create jobs for retired civil servants.

#### NFSB: OVERLOOKING THE ROOT CAUSE OF HUNGER IN INDIA

What is one to make of this legislation that held the promise of dealing with hunger and malnutrition in India comprehensively and yet has regressed on the basics? It would only be fair to conclude that the NFSB, in its present shape is only a small, incremental step in the right direction with little resemblance to the legislation that had been shaped and drafted by the Right to Food Campaign. The legislation will certainly deal with crucial aspects of access and availability of food for a large section of the population, but has left out the entire nutritional dimension of the right to food. It will mitigate hunger, but not address the underlying problem of malnutrition to the extent that it could potentially have. In addition, it may even allow the takeover of some of the feeding programmes for children by the private sector. Ultimately, many of the activists who have played a key role advocating for the NFSB campaign may be justifiably disappointed by the law enacted.

11 Mander, Harsh. "Crumbs on the Plate". *Hindustan Times*, May 1<sup>st</sup>, 2013. [www.hindustantimes.com/editorial-views-on/harshmander/Crumbs-on-the-plate/Article1-1053410.aspx](http://www.hindustantimes.com/editorial-views-on/harshmander/Crumbs-on-the-plate/Article1-1053410.aspx).

## 08b

### MORE THAN 50 YEARS OF FOOD AID IN NEPAL AND THE FOOD CRISIS CONTINUES

FIAN Nepal<sup>1</sup>

Nepal has been a consistent recipient of food aid since the 1950s. International food aid programs operating in Nepal have come under scrutiny for their role in creating

## dependency among locals on food (or rather rice) aid and other associated disruptive effects on local livelihoods.

In response, FIAN Nepal has undertaken a study with the mandate to analyze the effects of food aid on the agriculture-based rural economy of Nepal from a right to food perspective.<sup>2</sup> The study assesses the food aid policy implemented by the government of Nepal through its agency, the Nepal Food Corporation (NFC), and supplementary support of donors, particularly the World Food Program (WFP) of the United Nations.

### BACKGROUND

Development practitioners in Nepal and elsewhere have long been concerned with several unintended consequences of food aid in recipient countries. Negative consequences include ambits of labor and production disincentives, induced changes in food and natural resource consumption patterns; all of which impact local farming potential and make communities more vulnerable to food insecurity.<sup>3</sup> Food aid, if targeted accurately, can provide necessary relief during emergency situations. However, food aid in Nepal was initiated during the 1950s, at a time when Nepal had surplus production and no food emergency. Although Nepal has been regular recipient of food aid from both national and international agencies, food insecurity, hunger and malnutrition in the country has not significantly decreased.<sup>4</sup> Nepal's human development index (HDI) is the lowest of South Asian countries and is ranked 157<sup>th</sup> amid 188 countries in the world.<sup>5</sup> The Nepal Living Standard Survey<sup>6</sup> reports that an estimated 25% of people live below the poverty line.

### SHORTCOMINGS OF THE CURRENT FOOD AID SYSTEM IN NEPAL

The study undertaken by FIAN Nepal from 2010 to 2011 revealed that several unintended side effects have emerged during the past 40 years of international food aid. Despite investing a substantial amount of resources in food aid annually by the government of Nepal and the World Food Program of the United Nations, the real benefits to poor people have been merely temporary. As the prevalence of hunger is recurrent, it can be concluded that food aid has widely failed to significantly strengthen their livelihood base towards the realization of the right to food.

The government, through the Nepal Food Corporation has been spending between 250–300 million Nepalese rupees (2.5–3 million Euros) annually to provide subsidized food (mainly rice) to remote districts for many years.<sup>7</sup> Considering an average of six members per household, the availability of subsidized rice is around 72 kg per year, which is far from adequate in terms of the quantitative requirement for adequate food. Moreover, local communities participating in the study have voiced their discontent that the food channeled through the NFC rarely reaches those who really need it, indicating a pattern of discrimination or at least a lack of prioritization for the most marginalized and disadvantaged communities. Harka Parki, from Luma village in Mugu, shared his experience: "I approached the NFC several times seeking to purchase some rice as my wife was seriously ill at my home. But every time the NFC staff told me to come another day. But this other day never came." Several local NGOs consulted in the period of 2011–2012 shared that the rice can be easily

1 This article was prepared by [FIAN Nepal](http://www.fiannepal.org). For more information and publication, visit: [www.fiannepal.org](http://www.fiannepal.org).

2 FIAN Nepal, "Assessing the Impact of Food-Aid on Livelihoods and Food Security in the Western Hills of Nepal: From a Human Right to Food Perspective." Forthcoming.

3 Adhikari, Jaganath and Martin Chautari. "Food Crisis in Karnali: A Historical and Politico-Economic Perspective." Kathmandu, Nepal, 2008.

4 Moreover, the majority of the food items distributed in Nepal is not purchased locally but come from international donors. This practice undermines the national agricultural sector and should be urgently revised.

5 "Human Development Report 2013. The Rise of the South: Human Progress in a Diverse World." UNDP, 2003. pg. 143. [www.un.org.np](http://www.un.org.np).

6 "Nepal Living Standards Survey, 2010/11." Statistical Report, Volume 2. Central Bureau of Statistics, Kathmandu, Nepal. NLSS, 2011.

7 *Op. cit.* at 5.

purchased from the NFC, if one demonstrates a good relationship with the NFC staff or with other influential people at the district headquarters.

The WFP, mainly extending food aid through its Food for Work (FfW) initiative, has been widely criticized for having limited relevance in building sustainable agricultural systems at the local level, which has direct bearing on improving food security in the region. FfW programs have been reported to have primarily concentrated on the construction of local level infrastructure, such as foot/mule trails, dirt roads and community buildings in an inefficient manner. The local communities interviewed during the study had listed the building and rehabilitation of small-scale irrigation schemes as their primary concern; however in the study districts (Dailekh, Mugu & Bajura) their needs were not responded to. By not tailoring the programs to fit the needs of local communities, the overall effectiveness of food aid in Nepal has been found greatly diminished.

## STUDY FINDINGS

Receiving food aid from the NFC has been unpredictable and inconsistent. Although the WFP's FfW operations are more reliable in terms of food delivery, food aid recipients cannot predict whether they will get such projects/operations in their villages. Furthermore, the amount of rice received is insufficient as it only lasts an average of 1–2 months in a year.

The current system regulating food aid distribution further exacerbates existing inefficiencies. Local elite, political leaders, government employees, private sector actors and NGO workers alike have certain interests linked to food aid programming. According to information gathered during the study, political leaders most frequently use it as a political ploy to garner votes during election seasons. Government employees obviously benefit from the subsidized food, and NGO workers who are linked to the management of the aid resources obtain the benefits of employment and associated power and prestige.

Changes in food habits and consumption patterns and implications thereof from the decades long of food “rice” aid has successfully established rice as the main food item—being frequently considered as a higher status food. Locally grown and more readily available crops are losing out despite higher nutritional value.

## IMPLICATIONS FOR THE FUTURE OF FOOD AID IN NEPAL

The effect of four decades of consistent food aid has clearly been mixed. Regardless of how much effort has been spent for community empowerment, the disincentives created by food aid schemes in the Nepalese hills are clearly hindering the major structural reforms necessary for their rural economy. Policies and programs which would contribute to strengthening a foundation of sustainable livelihoods for people in these highly vulnerable areas should be implemented through investments in local agriculture and support for their agricultural based rural economy. Even though food aid has contributed to the provision of immediate relief in emergency situations, when affected communities see no better options to sustain their livelihoods, it has rather deepened the problem by sidetracking the attention of policy makers, donor agencies and development workers from the pertinent issues of structural transformation.

Furthermore, food aid programs have not exhibited a human rights based approach. Food aid recipients are viewed as beneficiaries of charity and not as right-holders, who have the ability to participate in the development and decision-making process, while monitoring the activities of local authorities and holding them accountable for the effects of their misaimed policies.

As the state has the obligation to respect, protect and fulfill the human right to food of its population, especially that of the most vulnerable and affected communities, food aid strategies should be adopted in a limited domain only. It should be done in compliance with the state's obligation to fulfill in cases of emergencies, when communities are unable to cope for short periods of time. Furthermore, food aid should be implemented on the basis of human rights principles and with a clear exit strategy, bearing in mind the ultimate goal of achieving the full and sustained realization of the right to food.

## 08c

# COLLECTIVE ACTION STRATEGY TOWARDS THE DEVELOPMENT OF A NATIONAL FOOD FRAMEWORK LAW IN THE PHILIPPINES

Aurea Miclat-Teves<sup>1</sup>

The purpose of this article is to elaborate on last year's *Watch* piece, "The Legal Framework Governing the Right to Adequate Food in the Philippines," while demonstrating how there is still a pressing need to push the government to draft and approve a national framework law on the right to food, and show how civil society in the Philippines intends to support this ongoing process.

Civil society currently resorts to complaint and recourse mechanisms which remain insufficient in practice. The National Human Rights Commission has a limited mandate which focuses on civil and political rights. Moreover, while mechanisms to enforce the fulfillment of state obligations are non-existent, the Philippines' national budget remains stretched, a continuous reflection of the government's history of weak policy implementation.

To date, the Philippine Constitution has not yet explicitly recognized the right to adequate food (RTAF), nor is there any appropriate legal framework governing the right to adequate food.

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## THE NATIONAL FOOD COALITION

In order to overcome these obstacles, the National Food Coalition (NFC) was formed to tackle the issues surrounding the current governance of rural development, environmentally sustainable growth as well as redistributive justice.

The NFC is composed of over 50 organizations and federations with more than 10,000 members representing the urban poor, peasants, indigenous peoples, fisherfolk and the middle class. The NFC has highlighted the main drivers of hunger in the country as being: poverty, inequality, and the resulting failure of the poor to access available resources.

In February of 2013, the NFC hosted a conference on “The Right to Adequate Food: A Collective Action for Policy Reform,” in which a declaration was issued demanding the government of the Philippines to draft and approve a national law on the right to food.<sup>2</sup>

More than 100 human rights activists, rural development advocates, environmentalist groups, indigenous peoples and various representatives from both non-governmental organizations and national governmental agencies participated in the conference.<sup>3</sup>

The Declaration of the First National Conference on the Right to Adequate Food affirmed the Philippines’ state obligation to secure the RTAF, which is said to be “closely intertwined with the right to land, water, work, education, health, and housing—the right to adequate standard of living,” for its people.<sup>4</sup> The declaration urged the government to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which would lead to the drafting and approval of a National Framework Law on the Right to Food in the Philippines.<sup>5</sup>

The conference participants agreed that the main contents of the framework law on the RTAF should have: a) a clear declaration of policy; b) specific targets or goals; c) strategies or methods to achieve its targets or goals; d) institutional responsibility mechanisms; e) avenues for recourse for violations; and g) a national monitoring mechanism.

The mandate of the coalition proclaims their “commitment to the basic and universal human right to food,” and expresses their “determination to claim this right for every citizen and child in our country, the Philippines, as well as in the whole world.”<sup>6</sup> Its goal is to challenge the government to integrate the various Philippine policies on the RTAF into a national framework, and to develop strategies which address economic growth and rural development.

## THE NFC LAUNCH

Before the conference, the NFC launch was attended by more than 300 people representing various sectors—indigenous peoples, peasants, urban poor, members of the academia, individual advocates. They were mobilized by an awareness campaign on October 15<sup>th</sup>, 2012, the eve of the World Food Day, to address the issue of growing hunger and impoverishment in the country.<sup>7</sup>

The launch was initiated by a march-demonstration calling for adequate food for all and the signing of an Open Letter to the Philippine President. The letter contained the main demands of the NFC: 1) to give central importance and support to farmers and their concerns; 2) to promote organic rice production; 3) to face and

2 “Declaration of the First National Conference on the Right to Adequate Food in Philippines.” 27–28 February 2013. [www.fian.org/news/article/detail/declaration-of-the-first-national-conference-on-the-right-to-adequate-food/](http://www.fian.org/news/article/detail/declaration-of-the-first-national-conference-on-the-right-to-adequate-food/).

3 *Idem*

4 *Idem*

5 *Idem*

6 *Idem*

7 For more information, please see: “National Conference on the Right to Adequate Food.” *FIAN Philippines*, Feb. 2013. <http://fianphilippines.org/national-conference-right-adequate-food/>.

take action against damages caused by climate change; and 4) to respect, protect and fulfill the rights of farmers and indigenous peoples.

### RAISING PUBLIC AWARENESS

Public awareness of the RTAF remains crucial in pressuring the Philippine government to draft and implement an appropriate legal framework. In order to achieve continued mobilization of civil society backing the RTAF, the NFC members have employed various collective-action strategies, including awareness-building and information dissemination on the RTAF.

In order to join the NFC, individuals and groups received human rights training on how to realize the RTAF. Furthermore, key documents as well as educational materials (e.g. Voluntary Guidelines on the Right to Adequate Food) were translated into Filipino.

The NFC has also hosted local level consultations around the country and conducted problem-focused group discussions on core issues of the right to adequate food, while spearheading unified efforts to facilitate a progressive realization of the right to adequate food.<sup>8</sup>

### PUBLIC PARTICIPATION

Aside from publications, the NFC has also hosted numerous workshops for the promotion of the right to adequate food. These workshops included participation from indigenous peoples, farmers and urban poor for the purpose of not only informing vulnerable members of society, but also validating the steps to be taken by the NFC in its fight against hunger. These awareness raising workshops discussed possible solutions to issues and aspirations of the participants with regard to food.

The participants pointed out that there is inadequate food due to a lack of access to land and productive resources, unemployment, lack of unity among community or family members, and problems arising from the non-consultative process implemented by local government in addressing the peoples' livelihood needs or in the development and management of government projects. Additional issues causing of the lack of access to adequate food include: violence and conflicts at the community level, food theft and poor targeting of government programs.

The participants manifested that secure employment, access to land and resources, alternative livelihood options, education and transparency in the implementation of government projects will all help them achieve their aspirations of a happy and healthy family and community with food always on their tables.

### CONCLUSION

The NFC stands firm on the need for the Philippine government to draft an enabling law that will rectify existing incoherent, non-complementary and conflicting legal mechanisms to contribute to the realization of the RTAF in the Philippines.

The state authorities are urged to declare the RTAF a national policy priority in order to leave a legacy that is beneficial to both the present and future generations of the Philippines.

<sup>8</sup> The results of these efforts can be seen in the publications of the NFC like the books on "The Summary Review of the Philippine Legal Framework Governing the RTAF" and "Asserting the Human Right to Food: Local Initiatives to Access Land and Natural Resources for Sustainable Food Security in the Philippines."

# 09

## LATIN AMERICA

### 09a

## GENETICALLY MODIFIED ORGANISMS AND RESISTANCE IN THE MAYAN REGION OF MEXICO

Marcos Arana Cedeño<sup>1</sup>

The Mayan region of Mexico, one of the most biologically and culturally diverse regions in the world, is currently under threat due to the expansion of genetically modified (GM) soybean plantations promoted by multi-national corporations. The Mexican government has done little to stop the exploitative tactics employed by these commercial entities, and has even supported this expansion by signing an agreement with Monsanto, the giant agricultural biotech company, which will allow the commercial planting of transgenic soy crops across Mexico.

In response, civil society organizations and social movements have filed appeals for constitutional protection in Mexican courts in attempts to revoke the authorization given to Monsanto.

### IRREPARABLE DAMAGE

The biotechnological package of inputs developed and promoted by Monsanto in Mexico includes GM soy and the glyphosate-based herbicide that the soy has been genetically modified to resist, *Roundup*. Glyphosate has been deemed a danger to both human health and the environment, with the US Environmental Protection Agency, classifying it as being moderately toxic if swallowed or inhaled. Glyphosate is extremely toxic to the eyes, causing severe injury and even blindness. Air pollution produced by glyphosate spraying expands to affect large areas, and glyphosate has been found in urine samples of people living far away from such sprayings.<sup>2</sup>

Though glyphosate becomes deactivated upon contact with soil, even in its inactive form, it is carcinogenic and pollutes water with contaminants that cannot be removed by filtering methods or customary purification.<sup>3</sup> Many studies show that glyphosate harms human and animal embryos and placentas, causing abortions and malformations.<sup>4</sup>

In addition to these physical and environmental risks, there are also risks to the local food culture through the loss of ancestral knowledge of the indigenous and rural populations, caused by the replacement of diverse crops with GM soy mono-crop plantations. These losses will severely affect the culture, lifestyle and right to food of the local population, with effects that could last for generations. In November of 2012, the Peoples' Forum for the Defence of Land, Territory and Food Sovereignty (*Foro Popular por la Defensa de la Tierra, el Territorio y la Soberanía Alimentaria*),

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2 Antoniou, M., Brack, P., Carrasco, A., Fagan, J., Habib, M., Kageyama, P., Leifert, C., Nodari, R., Pengue, W. GM Soy: *Sustainable? Responsible?* GLS Gemeinschaftsbank and ARGE Gentechnik-frei, 2010. <http://bit.ly/9D9J2k>.

3 World Health Organization, *Glyphosate and AMPA in drinking water*. Background document for development of WHO Guidelines for Drinking-water Quality, WHO/SDE/WHO/03.04./97, 2005. [www.who.int/water\\_sanitation\\_health/dwg/chemicals/glyphosateampa290605.pdf](http://www.who.int/water_sanitation_health/dwg/chemicals/glyphosateampa290605.pdf).

4 Richard, S.; Moslemi, S.; Benachour N; Clair, E.; et al. *Glyphosate-based herbicides are toxic and endocrine disruptors in human cell lines*, Toxicology 262, 2009, pp. 184–191.

supported by more than 140 organizations from Mexico and Central America, demanded to immediately denounce the agreement as unconstitutional considering that the “[...] massive contamination of plant genetic resources (seeds) threatens food security, health, solidarity economy, indigenous knowledge and resources created by more than 350 generations of indigenous grandmothers and grandfathers. Mexico and Central America as centers of origin [...] of more than 15% of the species of the world food system should not be exposed to contamination from genetically modified organisms.”<sup>5</sup>

An illustrative example of the irreparable damage caused to local food culture is that of the honey exports of Mayan indigenous peasants. The cultivation and marketing of their ancestral products has allowed thousands of Mayans to improve their income without the need to modify the use of their land. Production of honey has also helped raise awareness about the importance of protecting biological diversity. Creamy wild flower honey from the Lacandon Jungle, along with other honeys from the Mayan region, have been highly appraised in European and North American markets due to its quality, free from GM pollen contamination and pesticides.<sup>6</sup> The expansion of vast GM soy plantations will undoubtedly change this situation, severely affecting the economy of indigenous bee keepers, who will face increasing obstacles in the export of their product. Without the incentive of successful organic honey exports, there is a high risk that producers will abandon bee keeping and will be forced to adopt less environmental friendly activities.

## THE AGREEMENT

In a recent study, the FAO points out that in Mexico, land concentration is achieved not by purchasing the land, but by controlling the production processes.<sup>7</sup> Thus, agribusinesses rent land, provide seeds or implement other forms of control, compromising harvest to generate scale economies, primarily export oriented. In Mexico, Monsanto has promoted the signature of individual contracts signed by members of the indigenous community for the acquisition and use of the Roundup Ready biotechnological package. Although in many indigenous communities the decision to plant GM soy has been decided in assembly, the individual contracts have often led to frequent disagreements and divisions that affect community life.

When purchasing seeds from Monsanto, farmers acquire a license, but also the obligation to strictly follow the instructions in the use of technology, contravening Convention 169 of the International Labour Organization (ILO) that recognizes “the aspirations of [indigenous and tribal] peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions, within the framework of the states in which they live (preamble); and that [g]overnments shall take measures, in cooperation with the peoples concerned, to protect and preserve the environment of the territories they inhabit (article 7).”<sup>8</sup>

In granting permission to Monsanto for the commercial planting of transgenic soy, which was done despite opposition by some within the government, the Mexican government is in violation of the precautionary principle of the Biosafety Law and the Rio Declaration on Environment and Development. Furthermore, the peoples concerned denounced the lack of transparency and consultation surrounding the authorization process even though the ILO’s Convention 169 requires that the peoples concerned should be consulted “[...] through appropriate procedures and

5 *Veredicto del Foro Popular por la Defensa de la Tierra, el Territorio y la Soberanía Alimentaria*, Chiapas, México, 22–25 noviembre de 2012. [www.ddhhmujerchiapas.org/lavozdelasmujeres/node/34](http://www.ddhhmujerchiapas.org/lavozdelasmujeres/node/34). (translation of the author)

6 A German laboratory has recently found GM pollen in honey imported from Yucatán. The contamination comes from the experimental plantations of GM soybean authorised by the Mexican government in 2011. Monsanto is demanding permission to expand plantation of GM soybean in Yucatán where 25,000 beekeepers live; Hinsch, B., Buzz-buzz-Boom! Öko-Test, Jan 2009, available in English at [www.organicconsumers.org/articles/article\\_16619.cfm](http://www.organicconsumers.org/articles/article_16619.cfm).

7 FAO, Seminario Dinámicas en el Mercado de la tierra en América Latina y el Caribe, FAO Regional Office, 14 y 15 de noviembre de 2011.

8 ILO, *Convention concerning Indigenous and Tribal Peoples in Independent Countries* (No. 169), Geneva, 76<sup>th</sup> ILC session, 27 June 1989.

in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly.”<sup>9</sup> In addition, the independent nature of the authorization granting was compromised, as several of the biosafety officers who were in charge of making these decisions had been previously employed by biotechnology multinationals.<sup>10</sup>

Furthermore, Monsanto has promoted the signature of individual contracts for the acquisition of the Roundup Ready biotechnological package without prior informed consultation with the women of local at-risk communities. Rural women have been excluded from participating in the decision making process in granting permission for the planting of GM soy. Several indigenous women organizations from Chiapas have expressed their strong opposition to GM soy plantations and denounced that neither governmental authorities nor community leaders have consulted them. Due to indigenous customary law, women are frequently excluded from taking part in the assemblies where decisions to sign contracts with Monsanto are made. This is in violation of Article 14 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which clearly states that, “States parties shall take all appropriate measures to eliminate discrimination against women in rural areas to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right: (a) to participate in the elaboration and implementation of development planning at all levels. [...]”

The authorization given by the Mexican authorities of agriculture and environment, at the request of Monsanto, violates the Mexican constitution by promoting monopolistic practices, and contributing to land-grabbing and foreign domination of the Mexican soybean production chain, which directly affects local small-scale family farm production. This will ultimately result in dispossession of indigenous communities from their traditional lands, violations of their right to food, loss of irreplaceable material resources for their livelihoods, migration and forced displacement due to internal disputes and divisions within communities.

Traditional peasant agri-ecosystems are important reservoirs of germplasm of maize, beans, squash, chili and tomatoes that peasants have preserved *in situ*. Planting GM soy in areas where maize has traditionally grown erodes the diversity of this cereal, also affecting other native beans, while damaging peasant and indigenous knowledge and culture and endangering food sovereignty.

## MEXICAN CONSTITUTIONAL REFORMS

Two important recent reforms to the Mexican constitution will be tested through the appeals that have been filed. The first reform establishes the primacy of international treaties and conventions on human rights. This reform gives constitutional status to human rights and aims to guarantee individuals the most favorable interpretation of human rights law.<sup>11</sup> The second reform opens up the possibility of using the *Amparo* remedy provision, a form of constitutional protection formerly granted only to individuals, to be used in the defense of collective rights.

The effectiveness and scope of these new reforms to the Mexican constitution are now on trial. Applications for constitutional protection have been submitted by organizations of peasants, honey producers, women’s rights groups and other civil organizations from Yucatan and Chiapas.

9 *Ibid.*, article 6.

10 Ramírez, Érika. “Transgénicos, Autorizados Por Exempleadas De Agrotrasmacionales.” *Voltaire.net.org*, 10 de enero de 2010. [www.voltairenet.org/article163524.html](http://www.voltairenet.org/article163524.html).

11 The International Service for Peace (SIPAZ) Blog, *Mexico: Constitutional Reform on Human Rights approved*, <http://sipazen.wordpress.com/2011/06/02/mexico-constitutional-reform-on-human-rights-approved/>.

In their application for constitutional protection, civil and peasants organizations demand that the Mexican state immediately revoke the authorization for the commercial release of genetically modified soybeans; order Monsanto to disclose all information regarding contracts signed with community members; disclose all the information available on the environmental impact caused to terrestrial and coastal marine life; and finally, order Monsanto to refrain from planting GM soybeans in the Mexican countryside, specifically in Chiapas and Yucatan.<sup>12</sup>

The response of the judges will be decisive for the future of the justice system in the protection of human rights and will probe the value of the Mexican constitutional reforms.

#### BOX 1

##### Scandal: The World Food Prize Awarded to Monsanto

“Green deserts” is the name given to the large extensions of land where all kinds of vegetable life has been destroyed with the aim to grow GM soy exclusively. On these lands, autonomous farmers had to give up their livelihoods to become dependent agricultural workers, forced to purchase whatever they eat. In contrast, the executive vice-president of Monsanto, the main person responsible for this catastrophe affecting more than 60 million hectares worldwide, has been awarded the 2013 World Food Prize. This outrageous decision to award Monsanto with this prize is the clearest evidence of the open confrontation of two visions: one of them focused on pursuing sustainability and peoples’ rights entitlements, while the other is driven by greed and profit, now using a formerly prestigious prize as a futile attempt of image cleansing with the complicity of its jury.

12 CENCOS, *Alto a la siembra de transgénicos; la autorización para que Monsanto siembre soya constituye un desastre socio ambiental incalculable*, Boletín de prensa, México, 13 de julio de 2012. [www.cencos.org/node/29483](http://www.cencos.org/node/29483).

## 09b

### BIOTECHNOLOGY TRANSNATIONALS: THE PRIMARY BENEFICIARIES OF THE DEMOCRATIC BREAKDOWN IN PARAGUAY

Jorge González<sup>1</sup>

The government of Fernando Lugo was elected on the 20<sup>th</sup> of April 2008, following the formation of a political alliance between progressive movements of the left and a liberal party, the Authentic Radical Liberal Party (Partido Liberal Radical Auténtico, PLRA). Despite its heterogeneous and unusual electoral composition, Lugo’s government pursued a new institutionalization of the state aimed at creating a basic welfare state under the rule of law, developed primarily through social programs. The most emblematic of these focused on the expansion of health coverage, financial assistance to families in need or on low-income and senior citizens, as well as a program for the promotion of family-based food production in peasant communities.

Although many of these initiatives have not yet been completed, they have been essential in highlighting the human rights approach as part of a democratic system. They also emphasize the role of the state as guarantor, and deviate from the tradition of clientelism associated with the Colorado Party (Partido Colorado).<sup>2</sup>

- 1 [Jorge González](http://www.baseis.org.py/base/) is a spokesperson and researcher for the team on Food Sovereignty of BASE—Social Research (*Base Investigaciones Sociales*). Please visit: [www.baseis.org.py/base/](http://www.baseis.org.py/base/).
- 2 The Colorado Party (El Partido Colorado) is the oldest party in Paraguayan political history. Founded in 1887, it supported the Stroessner dictatorship (1954–1989). It continued ruling in successive post-dictatorship administrations until 2008 when it was replaced, following elections, by the government of the then-President, Fernando Lugo.
- 3 Rodríguez, Fátima. “Paraguay 2012: Crónica de un juicio político anunciado.” Asunción: Ape Paraguay, 2012.
- 4 This was the most violent conflict over access to land between peasants and landowners. It occurred in the so-called Marina Kue estate in the district of Curuguaty, Canindeyu. It started with a confusing incident followed by evictions in which eleven peasants and six policemen died.
- 5 See also the statements by UNASUR and MERCOSUR.
- 6 This refers to Blas N. Riquelme, the now deceased politician and entrepreneur in livestock, soy and food industries, linked to the Paraguayan dictator Stroessner. He was one of those awarded with ill-gotten lands, i.e. illegally diverted from the land intended for national agrarian reform. See more in Spanish in: *Comisión Verdad y Justicia Paraguay (2008): Informe Final, Tierras Malhabidas, Tomo IV (Asunción: CVJ, pp. 37–59)* and Pereira Fukuoka, Milena (2012): “Strong Agribusinesses and a Weak State: the Equation Generating Hunger in Paraguay”, in the *Right to Food and Nutrition Watch 2012* (Bread for the World-ICCO-FIAN, pp. 77–79).
- 7 Franco, hailing from the right-wing Authentic Radical Liberal Party (*Partido Liberal Radical Auténtico, PLRA*), took over presidency of Paraguay following the removal of Lugo.
- 8 Vega was a leader in the commission of landless peasants (*la comisión de sin tierras*) where the massacre took place and handled strategic information about the events of June 15<sup>th</sup>, especially relating to the implication of the Riquelme family in driving evictions. Lezcano was one of the most significant figures in the community of Arroyito, Concepción.

From the outset, the conservative economic forces of the country tried to direct the new government towards their own corporate interests. In the almost four-year period of Lugo’s mandate, there were several attempts to remove the government through destabilizing strategies engineered mainly by parliament and other institutions. This made it virtually impossible to govern.

The final attempt by the conservative forces to remove Lugo’s government was the imposition of impeachment proceedings against him,<sup>3</sup> following what has become known as the “massacre in Curuguaty” on the 15<sup>th</sup> of June, 2012.<sup>4</sup> The accusations led to a parliamentary vote against Lugo, culminating in his removal from office. For many social institutions and democratic governments in the region this constituted a “parliamentary coup” disguised as a political trial—unconstitutional and arbitrary, it contradicted the Political Constitution of Paraguay and the due process principle under international human rights law.<sup>5</sup>

Curuguaty set a dark precedent in the history of Paraguay. An owner of “ill-gotten property”<sup>6</sup> caused the death of seventeen of his compatriots and overthrew a president, with the complicity of the judicial system and the help of ambitious parliamentarians. Curuguaty also heralded the opening of an extremely violent political chapter in conflicts over access to land, bringing rural communities face-to-face with major land-owning soy farmers and cattle ranchers. Four peasant leaders and human rights activists were murdered during the government of Federico Franco,<sup>7</sup> with the influence of corporate interests, according to testimonies of community agencies and human rights organizations. Among those murdered were: Sixto Perez (1 September 2012); Vidal Vega (1 December 2012); Benjamin Lezcano (19 February 2013) and Dionisio González (March 2013).<sup>8</sup> Violations of the rights of peasants on the land of Marina Kue, before and after the massacre in Curuguaty, were subsequently investigated by an international observation mission.<sup>9</sup> A brief summary of the preliminary report of the aforementioned mission follows.

## BOX 1

### Land Concentration in Paraguay: The Case of Marina Kue Nadine García<sup>10</sup>

Marina Kue is located in Curuguaty, in the Paraguayan region of Canindeyu, in an area where the high concentration of land in the hands of foreign soybean producers has led to the expulsion of growing numbers of farmers from their land. This has led, in some cases, to the occupation of unused land by farmers who then work on it. On the 15<sup>th</sup> of June 2012, a massacre took place on disputed land claimed by the company Campos Morombí, belonging to the family of the deceased politician Blas N. Riquelme. Eleven farmers and six policemen died.

The conflict was sparked when Curuguaty judge, José Benitez, granted a search warrant in a legal dispute regarding the right of ownership of the land, which was pending resolution by the Supreme Court of Justice. The international observation mission found no justification for the issuing of the search warrant. Contrary to the disinformation spread by the company’s communication services and certain insti-

tutions, the farmers saw the land as state property, and therefore did not think they were committing an alleged criminal offence.<sup>11</sup>

Numerous testimonials agree that there were extrajudicial executions, cases of persecution, death threats, physical and psychological torture, and instances of medical neglect of the farmers during the search and the days following the massacre. These violations reveal the vulnerability of the prisoners, those charged and those close to the victims. In addition, the mission found that 54 people were charged arbitrarily with seven criminal charges (first-degree murder, attempted homicide, serious injury, criminal association, grave coercion, duress and invasion)—the result of a blatant lack of legal protection of the rights of peasant communities as well as the use of repressive state forces to safeguard the interests of powerful groups in the country.

The mission urged the Paraguayan authorities to order the liberation and acquittal of peasants charged arbitrarily, and to fulfill their duty to investigate and expeditiously punish all the crimes and various human rights violations that took place, as well as to hold both the perpetrators and instigators of the massacre criminally accountable.

The Marina Kue case illustrates the pressing need to address ongoing conflicts between landless peasants and landowners in Paraguay by redirecting the existing model of agricultural development based on agribusiness interests towards an integral agrarian reform that ends extreme land concentration and restores the rights of the rural population. Only this will enable them to achieve food sovereignty.

9 The mission was convened by the Latin American Coordination of Rural Organizations (CLOC)—La Via Campesina, and was composed of: FIAN International, the Global Campaign for Agrarian Reform, the Research Group on Human Rights and Sustainability of the UNESCO Chair of the Polytechnic University of Catalonia, Real World Radio (Friends of the Earth International), ANAMURI (Via Campesina South America), accompanied by national organizations of Paraguay which belong to La Via Campesina. It remained in Paraguay from 5 to 11 September 2012.

10 Nadine García is a member of the Farm Workers Association of Nicaragua (*Asociación de Trabajadores del Campo de Nicaragua*) which is a member organization of the Via Campesina and works as a technical assistant for the Global Campaign for Agrarian Reform. For more information on the case of Marina Kue see also: Coordinadora de Derechos Humanos del Paraguay. *Informe de derechos humanos sobre el caso Marina Kue*. Asunción: Paraguay: CODEHUPY, 2012. [http://quepasoencuruguay.org/?page\\_id=124](http://quepasoencuruguay.org/?page_id=124). (available only in Spanish)

11 The lawyer's version from the company Campos Morombí is completely different: in a communication to the *Watch* sent on August 12, 2013, it alleges that the responsibility for the crime is with "an armed group of about 30 to 50 people [which] invaded by force, four fields of the firm Campos Morombí S.A.C. and A. and they were not peasants who followed a legal procedure for the allocation of land, which is the private property of Campos Morombí S.A.C y A."

## THE IMPACT ON FOOD SOVEREIGNTY

This political crisis has led to the disintegration of democratic initiatives and the removal of the rights of the most disadvantaged sectors of the population, with repercussions for the food sector and on agricultural policies.

Before the massacre in Curuguaty, and the subsequent government of Federico Franco, Paraguay had only approved one GM crop: RR soybeans, produced by the multinational, Monsanto, in 2004. Both national and international organizations governed by legislation on bio-safety, such as the Public Health Authorities of Paraguay, indicated that these seeds did not comply with regulations and halted their approval.

During the Franco Government, the country experienced a flood of genetically modified crops. Within only nine months (22 June 2012—22 March 2013) the administration approved seven new genetically modified crops: two cotton, four maize and one soy. These projects were initiated without open consultation and without any respect for the regulations and processes established by relevant institutions, including the National Commission of Agricultural Biosafety (*Comisión Nacional de Bioseguridad Agropecuaria*), the Ministry of Agriculture and Livestock (*Ministerio de Agricultura y Ganadería*) and the National Service for Plant and Seed Quality and Health (*Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas*). The agro-industrial model, in which the production of genetically modified soy beans is rooted, is primarily based on the purchase of seeds patented by multinational corporations, as well as on an increasing use of technology in agricultural methods, large-scale product exports and land concentration.

In addition to the environmental impact of intensive monocultures that require extensive application of herbicides, this farming model also has negative economic, nutritional and health effects including the loss of territorial sovereignty. This is to the detriment of local food cultures, with impacts such as reduced diversification of diets and a decline in local economies. It is likely that the negative effects of this kind of production will increase with the introduction of seven more genetically modified crops. The introduction of genetically modified maize poses an underlying threat to the very core of culture, biodiversity and local food economies as creole maize (*maíz criollo*) is the staple food of the region, even in the poorest farms.

Despite the unfavorable and precarious circumstances facing farming families<sup>12</sup> there are encouraging technical and academic initiatives, such as the native seed fair “Germinate Paraguay Again” (*Jey Heñói Paraguay II*). This fair showcases decades of experience and highlights the productive capacity of agro-ecological farmers, whose methods ensure food sovereignty and even produces surplus to sell. However, these initiatives have not yet been broadcast widely.

In this important effort by the peasantry, the *Escuela Regina Mareco*, the *Instituto IALA Guarani*, and *Semilla Róga* stand out. The latter two institutions are linked to The Vía Campesina. Responsibility is divided amongst these three organizations for creating productive, academic and political frameworks inside peasant organizations, with the aim of amassing and reproducing native seeds.

Despite these inspiring autonomous agro-ecological initiatives, however, the current unbridled race for profits by agribusinesses threatens local food cultures and economies protected by the peasantry. Analysis of census data for Paraguay reveals a rural exodus. In 1982 the rural population accounted for more than half of the population (57%). In 2012 the rural population dropped to 33% of the national total.

In conclusion, the crisis facing Paraguay is a clear example of the convergence of a number of deeply disturbing trends: attacks on democracy and food sovereignty; land concentration and violence against the peasantry; and the promotion of agribusiness above and beyond human rights. These factors combined create the ideal conditions for a rural exodus that leaves the future of the countryside in peril. It is the people themselves who are offering the first line of defense.

12 The president and vice-president of the Republic, Horacio Cartes and Juan Afara, recently elected in April of 2013, have interests in the agribusiness circuit: tobacco companies, soybean farms and livestock, importation of food and beverages, and banks with funding lines for the agribusiness sector. They come from the business sector and from the Colorado Party which institutionalized a functional state for agri-businesses. The impact of this government on food-producing land could worsen the current situation. More information in Spanish can be found at: [www.grupocartes.com.py/?page\\_id=78](http://www.grupocartes.com.py/?page_id=78); [www.honorcolorado.com.py/articulos/5/210.html](http://www.honorcolorado.com.py/articulos/5/210.html); [www.abc.com.py/edicion-impresa/economia/gravar-exportacion-de-soja-sera-perjudicial-para-el-pais-advierten-197547.html](http://www.abc.com.py/edicion-impresa/economia/gravar-exportacion-de-soja-sera-perjudicial-para-el-pais-advierten-197547.html).

# 10

## EUROPE AND THE USA

### 10a

## THE DEFENSE OF HUMAN RIGHTS AND THE CRIMINALIZATION OF PROTEST IN THE SPANISH STATE

Laia Fargas Fursa<sup>1</sup>

The serious situation regarding systematic violations of the right to an adequate standard of living in Spain, especially in relation to rights to housing, food and other social rights, has worsened since the real estate bubble burst in 2007. Since then, there have been approximately 400,000 foreclosures,<sup>2</sup> many of which, on the primary residence of the persons affected. The mortgage law in Spain, which has no equivalent in the rest of Europe, provides that persons who are unable to pay their mortgage be stripped of their home, in effect, condemning them to a lifetime of indebtedness and social exclusion. In particular, the new Law 1/2013 on measures to strengthen the protection of mortgage debtors, debt restructuring and social rent,<sup>3</sup> adopted on May 15<sup>th</sup> of 2013, provides that the financial institution may claim the dwelling for 70% of its value when there are no bids at auction, which occurs in the majority of cases. The rest of the debt not covered by that 70%, plus the interest that continues to accrue and court costs, are borne by the persons evicted. Therefore, these people, whose economic circumstances do not allow them to cover the basic needs to which they are entitled, are condemned to perpetual debt under the current law. This situation has reached such dramatic levels that it has caused widespread suicides in Granada, Baracaldo, Córdoba, Calvia and Alicante, due to the desperation caused by the forced evictions.

### COLLECTIVE RESPONSE TO PUBLIC OUTCRY

In order to condemn this situation and assist those affected, a Mortgage Victims' Association (PAH) was set up in 2009 in protest of the current legislation through a campaign to suspend evictions. Until now it has managed to halt more than 600 evictions. In addition, the PAH is dedicated to organizing forums for collective advice during their weekly meetings. This allows people to share their personal problems and experiences while familiarizing themselves with all available actions that can be taken. Beyond that, it empowers them to perceive these systematic rights violations as a social and collective problem, caused by the current legislation and existing public policies, which are inconsistent with human rights, and not as an individual failure.

In 2012, the PAH together with other organizations, such as the Observatori DESC and the two major unions of Spain, introduced a Legislative Citizen's Initiative<sup>4</sup> (ILP) to pursue the modification of this unjust law. The ILP demands a halt to

1 [Laia Fargas Fursa](#) is part of the team of Observatori DESC in Barcelona, Spain responsible for cooperation projects with Latin America for development with respect to the right to food and food sovereignty.

2 "Evictions and Democracy: From the Strategy of Fear to the War of Numbers as a Deterrent Policy." *Mortgage Victims' Association (PAH)*, February 18, 2013. <http://afectadosporlahipoteca.com/2013/02/18/desahucios-y-democracia-de-la-estrategia-del-miedo-a-la-guerra-de-cifras-como-politica-disuasoria/>.

3 "Ley 1/2013, De 14 De Mayo, De Medidas Para Reforzar La Protección a Los Deudores Hipotecarios, Reestructuración De Deuda Y Alquiler Social." *BOE.es*. Agencia Estatal Boletín Oficial Del Estado. [www.boe.es/diario\\_boe/txt.php?id=BOE-A-2013-5073](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2013-5073).

evictions, retroactive payment in kind, (which involves paying off the debt by handing back the keys of the property to the lender), and social renting, which would allow people to stay in their home paying rent at up to 30% of their income.<sup>5</sup> This initiative has collected nearly a million and a half signatures from across Spain.

This movement has used all available institutional channels at the state and municipal level (motions in the councils) as well as at a supranational level, to reverse this issue and make the competent authorities responsible. In this context it should be noted that the March 2012 visit of Raquel Rolnik, UN Special Rapporteur on adequate housing, and her encounter with the PAH also contributed to an international disapproval of the violation of the right to housing in Spain, which in turn affects the realization of other interlinked economic, social and cultural rights (ESCR). Resolutions adopted by the Court of Justice of the European Union<sup>6</sup> and by the Committee on Economic, Social and Cultural Rights (CESCR) of the United Nations call attention to Spanish law's contravention of Community rules as well as human rights. The CESCR made its recommendations<sup>7</sup> after the revision of the fifth periodic report of Spain, taking into consideration some of the complaints of the alternative reports of civil society in May of 2012. In them, the Spanish government was advised to revise those austerity measures found contrary to its human rights obligations. In relation to the problem of forced evictions, the CESCR of the UN has emphasized the need to change the law in order to make payment in kind mandatory for banks.

## FURTHER ACHIEVEMENTS AND CHALLENGES

It should also be noted that during the parliamentary procedure of the ILP and until the adoption of Law 1/2013, the Popular Party has been completely distorting the spirit of this initiative. In reaction, during the debate on the proposed law, the PAH initiated a campaign of demonstrations, i.e. peaceful protests to put direct pressure on government representatives in their places of work and even their homes. In the absence of institutional mechanisms for dialogue with government representatives, the aim of these actions of social pressure was to achieve direct contact with the representatives to make them understand that the authorities' opposition to reforming the law, now adopted, was contrary to the will of the majority of Spanish society. A recent survey<sup>8</sup> estimated that 90% of the Spanish population supports the claims of this movement. As a result of this campaign, a counter-campaign was launched to defame and criminalize the Platform and in particular its most visible face, Ada Colau. The criminalization of protest has been justified by holding that the freedom of expression rights of the people affected by the evictions come into conflict with the rights of the competent authorities. This is a justification that seems to be used to divert the attention of society regarding the genuine claims of the persons affected by the evictions. Among the arguments used to justify the criminalization is one linking PAH activists with terrorist groups, or Nazis. These claims have even come from government sources, for example in statements made by Cristina Cifuentes, delegate of the government in Madrid, recorded by the media at the end of March 2013.<sup>9</sup> In spite of the fact that protest may seem like an extreme step, if you analyze all the work done by this movement over the past four years, it is possible to infer that this is a reasonable measure of political pressure after having exhausted all other available institutional mechanisms to establish dialogue with the government, which did not yield any improvement in the protection of the rights of those affected.

4 The Legislative Citizens' Initiative (ILP) is a mechanism for political participation for citizens, through which they can propose to the Congress the discussion, adoption or modification of a law. It is a weak mechanism because it does not require Congress to adopt a new text. The proposal must just be admissible and is debated in Congress. In Spain this requires the collection of 500,000 signatures within nine months, which does not necessarily guarantee the discussion of the law, it must first be deemed admissible.

5 "Legislative Citizens' Initiative." *Don't Let Them Mortgage Your Life*. [www.quenotehipotequenlavidia.org](http://www.quenotehipotequenlavidia.org).

6 On March 14<sup>th</sup> 2013, the response to a preliminary ruling submitted by a Barcelona judge to the Court of Justice of the European Union (CJEU) emphasized that the mortgage procedures in Spain violate Directive 93/13/EEC on unfair terms in consumer contracts and calls on the government to amend the law. This time, the query is not addressed from the perspective of human rights violations—given the low centrality that they have in EU law—but in a context of consumer rights. The ruling will allow the judge to adopt precautionary measures (that is, suspend eviction processes) and may also assess *ex officio* whether there are unfair terms, such as interest on arrears or early repayment of debt. On the other hand, emphasis is placed on the inequality of power between the parties, the credit institution and debtor, in the foreclosure process.

7 "Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant: Concluding Observations of the Committee on Economic, Social and Cultural Rights—Spain." *Economic and Social Council of the United Nations*. Committee on Economic, Social and Cultural Rights, 48<sup>th</sup> session (E/C.12/ESP/CO/5), 6 June 2012. [www2.ohchr.org/english/bodies/cescr/docs/E.C.12.ESP.CO.5-ENG.doc](http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.ESP.CO.5-ENG.doc).

8 Toharia, Jose J. "Judgment, Protests and Bubble." *Metroscopia*. *El País*, 19 March 2013. <http://blogs.elpais.com/metroscopia/2013/03/sentencia-escraches-y-burbuja.html>.

9 "Cifuentes said that the PAH has shown its support for ETA's entourage." *El País*, 26 March 2013. [http://politica.elpais.com/politica/2013/03/25/actualidad/1364203963\\_208246.html](http://politica.elpais.com/politica/2013/03/25/actualidad/1364203963_208246.html).

In Sabadell, a town near Barcelona, alone, there are already 28 PAH activists who have ongoing legal proceedings following their occupation of a bank when, on behalf of an affected person, they were requesting return of the property to the lender and social renting. Furthermore, fines are already being imposed on those who participated in the aforementioned protests.

The PAH has been shown solidarity and received support in their claims from various sources from the legal world,<sup>10</sup> where more than 600 people have signed a statement of support, as well as from the whole of Spanish society. Even locksmiths and policemen have refused to carry out their jobs to facilitate “the carrying out of evictions” when the PAH has been in front of a dwelling trying to stop these unfair proceedings. In addition, organizations for the defense of human rights at international level, such as Amnesty International,<sup>11</sup> have denounced the stigmatization of the activists of the PAH in the country.

In short, the social mobilization which has driven the PAH has succeeded in changing public perception by placing the right to housing at the center of political and social debates. The Spanish government’s refusal to approve a reform of this law to implement human rights, as requested by those affected and society as a whole, calls into question the economic and political system that makes housing a commodity and not a recognized and enforceable social right. Similarly, the efforts of the offensive to defame and criminalize human rights defenders when exercising their right to denounce human rights violations committed in Spain, become increasingly apparent.

10 “Statement from the Legal World on the Reality of Evictions.” *ESCR Observatori*, 9 April 2015. [www.observatoridesc.org/es/declaracion-del-mundo-juridico-ante-realidad-desahucios](http://www.observatoridesc.org/es/declaracion-del-mundo-juridico-ante-realidad-desahucios).

11 “In support of human rights around the world: Amnesty International calls for end to the stigmatization of members and supporters of the PAH: Amnesty International Spain.” *Amnesty International*, 22 April 2013. [www.es.amnesty.org/noticias/noticias/articulo/ai-pide-que-cese-la-estigmatizacion-contra-miembros-y-simpatizantes-de-la-pah/](http://www.es.amnesty.org/noticias/noticias/articulo/ai-pide-que-cese-la-estigmatizacion-contra-miembros-y-simpatizantes-de-la-pah/).

## 10b

# LAND CONCENTRATION, LAND GRABBING AND PEOPLE’S STRUGGLES IN EUROPE<sup>1</sup>

## European Coordination Via Campesina (ECVC) and HOTL network

Research conducted by the European Coordination Via Campesina and Hands off the Land (HOTL) network, involving 27 authors from 13 countries, reveals how a few big private business entities have gained control of ever-greater areas of European land. This study of Europe’s land dynamics points to the need to rethink the conventional “Global South-centric” view of contemporary land issues. It shows firstly that land grabbing is currently a critical issue, but is not the only pressing land issue in the world today. Land concentration is just as urgent and probably even more prevalent than the former, at least in the European context. Secondly, it reveals that land concentration and land grabbing do not only occur in developing countries in the South; but are in fact, both underway in Europe today. Finally, as is happening elsewhere in the world, it points to the hope inspired by people’s struggles against land concentration and land grabbing unfolding in Europe. Their struggles

underscore the urgent need for a truly transnational political struggle against contemporary enclosures of one of humanity's most critical resources, the land we live on.

## MAIN ISSUES

In regard to the issue of land concentration in Europe, which has been drastically accelerating in recent years, the report concludes that land ownership in Europe has become highly unequal reaching, in some countries, proportions similar to Brazil, Colombia and the Philippines. Public money, through subsidies paid under the EU Common Agricultural Policy, has supported this concentration of land and wealth by marginalizing small farms, and continuing to block entry to prospective farmers. The report highlights how these large-scale land deals continue to be carried out in a secretive, non-transparent manner. Land grabbing in Europe is fuelled by a rush for raw materials dominated by transnational companies, extractive industries, bio-energy, "green grabs" and other commercial undertakings. Fortunately, the hope for halting and reversing the European land grabs lies with many of the same social groups who are dispossessed and marginalized. The cases examined in the study highlight how various new civil society movements are emerging across Europe.

## KEY DEMANDS

1. **Stop and reverse the trend of extreme land concentration and commodification** by carrying out redistributive land policies (land reform, land restitution, affordable land rentals, etc.) in areas of concentrated ownership. In addition, policies which support the transformation of industrial farms into small family/peasant farms/food sovereignty projects, including urban agriculture should be implemented.
2. **Stop land grabbing** by placing a ban on all investors and speculators who are operating, and/or grabbing land, in Europe and elsewhere in the world and by creating a public database/tracking system of the transactions of governments and companies engaged in land grabbing.
3. **Ensure access to land for farming as the basis to achieve food sovereignty, especially for young people, and promote policies of positive discrimination to ensure access for women.** This can be realized by strengthening the participation of local communities in decision making on land use while also pushing for the adoption and democratic application of the Tenure Guidelines on responsible governance of land (UN) in Europe within a food sovereignty framework and adopting policies which support sustainable small farm/peasant projects.

1 This piece is a summary of the full report: European Coordination Via Campesina (ECVC), Hands off the Land (HOTL) network, *Land concentration, land grabbing and people's struggles in Europe*, TNI, June 2013. The full report is available at [http://www.tni.org/sites/www.tni.org/files/download/land\\_in\\_europe-jun2013.pdf](http://www.tni.org/sites/www.tni.org/files/download/land_in_europe-jun2013.pdf). ECVC is an organization of 27 farmer- and agricultural workers' unions as well as rural movements working to achieve food sovereignty. The HOTL network consists of the Transnational Institute (TNI), the International Secretariat of FIAN, FIAN-Germany, FIAN-Netherlands, FIAN-Austria, Forschungs und Dokumentationszentrum Chile-Lateinamerika (FDCL) in Germany, and the Institute of Global Responsibility (IGO) in Poland.

## 10c

# PRIVATISING THE RIGHT TO FOOD: POVERTY, SOCIAL EXCLUSION AND FOOD BANKS IN GERMANY

Ute Hausmann<sup>1</sup>

The increase in food banks in Germany raises various human rights concerns. First, the increasing reliance on food banks is an indicator of growing poverty and food insecurity in the country. Second, poverty and related dependency on food banks undermines the ability of people to live a dignified life. In 2010, the Constitutional Court established a fundamental right to a dignified minimum existence to be guaranteed by the state providing adequate social protection to everyone in need.<sup>2</sup> However, the call for higher levels of social benefits also has implications for the future of the low-wage labour market as well as public budgets and issues of tax justice and inequality. Human rights analysis and the reference to legal obligations under constitutional and international law can support the political process, but the implementation of necessary political change will depend on mobilising the necessary public pressure.

### THE RISE OF FOOD BANKS (*TAFELN*) IN GERMANY

In 1993, a group of women from Berlin founded what was to become the first of today's more than 1000 local food banks called "Tafeln". About half are registered organisations, the other half are members of the national umbrella organisation (in order to be able to use the brand Tafel for marketing and accessing food from supermarkets) but are hosted by other organisations. The work is shared among 50,000 volunteers as well as paid staff and several thousand unemployed persons, who receive small allowances on top of their income from social security. The Tafeln collect discarded food from supermarkets as well as donations (either in kind or cash) and distribute food at highly reduced, often symbolic prices to poor people. According to the organisation's own information, 1.5 million persons ("customers") use these food banks.<sup>3</sup>

One of the drivers of this boom is the growing amount of discarded food generated by a food system in which more than 80% of food is sold in supermarkets. Removing food waste is very expensive for supermarkets, bakeries or similar. The passing on of discarded food to food banks is therefore economically sensible and can at the same time be advertised as corporate social responsibility. Generally, the system of Tafeln is supply-driven. However the boom cannot be explained without also taking into account the increasing sense of economic insecurity and the related policy-driven motivation and mobilisation of tens of thousands of volunteers to participate in a meaningful activity. People living in poverty use food banks because, at the end of the month, they cannot afford to buy food or other necessary items to fulfil their basic needs, such as clothing, education and participation in social activities, and enable them to address, to some extent, the social exclusion they face.

1 Ute Hausmann is the Executive Director of the German section of FIAN and has worked with FIAN Germany since 1999. She has been involved in all types of advocacy including parallel reporting on Germany to the UN Committee on Economic, Social and Cultural Rights as well as the UN Human Rights Council, focusing on Germany's extraterritorial obligations and the right to food in Germany. She is also a member of the Board of Trustees of the German Institute for Human Rights.

2 "Headnotes of the Judgment of the First Senate of 9 February 2010." *Entscheidungen. Das Bundesverfassungsgericht.* [www.bverfg.de/entscheidungen/1s20100209\\_1bv1000109en.html](http://www.bverfg.de/entscheidungen/1s20100209_1bv1000109en.html).

3 "Zahlen & Fakten." Die Tafeln. [www.tafel.de/die-tafeln/zahlen-fakten.html](http://www.tafel.de/die-tafeln/zahlen-fakten.html).

## FOOD BANKS REINFORCE SOCIAL EXCLUSION

In 2011, according to EU statistics, 15.1% of the German population was at risk of poverty (i.e. had 60% or less of the national median equivalised disposable income),<sup>4</sup> and 8.8% were food insecure (i.e. unable to afford a meal with meat, chicken, fish or vegetarian equivalent every second day).<sup>5</sup> Food insecurity among single persons with dependent children was as high as 18.9%. Food banks can play an important role in decreasing food insecurity. However, they are not a solution to poverty and inequality in the country. Research (undertaken, for example, by the university project “Tafel-Monitor”)<sup>6</sup> clearly demonstrates that dependency on food banks undermines the ability of people to live a dignified life. People experience intense stress if they have to queue up in front of food banks or if they are required to present proof that they are needy. Also, there is no possibility for people to formally complain about the poor quality of food or possibly inappropriate or demeaning treatment, as they do not have the legally enforceable right to food and to the services provided. They often experience humiliation and stigmatisation. Because of the dependency on the staff of the food banks, users feel vulnerable and unable to control their own lives. Users of food banks develop a perception of themselves as not being full-fledged citizens. To them, the fact that they have to use food banks powerfully symbolises their exclusion from society.

## PRIVATISING THE RIGHT TO FOOD: THE FAILURE OF THE STATE TO REDUCE DEPENDENCY ON FOOD BANKS

Increasing dependency of individuals on food banks goes hand-in-hand with a growing dependency of the state on food banks to fill the gap created by the failure to guarantee human rights and address poverty as a human rights issue. In this sense, one can speak of the silent “privatisation of the right to food”. There is a clear link between the (low) level of social security benefits and the need to use food banks. In addition, a considerable number of unemployed people do not receive benefits, sometimes for months, due to sanctions enforced by employment agencies. Young adults are particularly vulnerable, being subjected to stricter rules regarding compliance with procedures and their freedom to reject a job offer is more restricted. There is also substantive evidence that state agencies recommend people to use food banks when they are in need. Indeed, most Tafeln require their “customers” to present a statement by the responsible state agencies that they receive social benefits. Of special concern is the growing number of “working poor” who receive benefits to increase their income, but who still have to rely on food banks.

## FROM BLIND EYE TO PUBLIC DEBATE

When in 2011 the opposition in parliament asked the German government how it analysed the reasons behind the rising number of Tafeln and how much state support was given to Tafeln, the government failed to respond. Also, the 4<sup>th</sup> state report on poverty and wealth (*Armut- und Reichtumsbericht*) failed to even mention Tafeln or food banks in general. The degree to which Tafeln have become linked to the formal social system is demonstrated by the state-led promotion of civic engagement, patronage and visits by high ranking politicians, as well as the absence of debate about

4 According to Eurostat, “The equivalised disposable income is the total income of a household, after tax and other deductions, that is available for spending or saving, divided by the number of household members converted into equalised adults.” Eurostat further sets the at-risk-of-poverty threshold at 60% of the national median equivalised disposable income after social transfers. See: [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Glossary:At-risk-of-poverty\\_rate](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Glossary:At-risk-of-poverty_rate) for further information.

5 “Inability to Afford a Meal with Meat, Chicken, Fish (or Vegetarian Equivalent) Every Second Day.” Eurostat—Data Explorer. 15 Mar. 2013. [appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ilc\\_mdes03&lang=en](https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ilc_mdes03&lang=en).

6 “Es Ist Angerichtet – Tafeln in Deutschland.” Tafelforum. [www.tafelforum.de](http://www.tafelforum.de).

alternatives to food banks. If not publicly addressed, dependency on food banks will continue to increase, as the Tafeln follow a market-based logic of expansion.

## 10d

# WORKING TOWARD THE RIGHT TO FOOD IN THE USA

Molly D. Anderson<sup>1</sup>

In the United States of America (USA), food insecurity is caused primarily by poverty, and a concomitant lack of access to healthy and affordable food in neighborhoods where poverty prevails. The federal government mandates a minimum wage for most jobs (with exemptions for a few occupations, including farm-workers and some restaurant workers); but the mandated minimum wage is considerably below a living wage that would allow a full-time worker to pay for healthy food as well as other necessities. Therefore, large numbers of unskilled and low-skilled workers, and those in occupations exempt from minimum wage laws, cannot afford adequate amounts of healthy, nutritious food.

The USA is the only industrialized country in the world that refuses to acknowledge its responsibilities to respect, protect and fulfill the right to food. Its primary response to widespread food insecurity is an array of federal food assistance programs, supplemented by a private “emergency” food system (food banks and pantries). Federal food assistance is vulnerable to funding decisions by the US Congress. For example, proposals for the next Farm Bill, which governs federal food assistance programs, contain deep cuts to the main food assistance program, and will plunge millions more people into food insecurity.

The groups that suffer most from violations of the right to food are the people living in poverty and those marginalized groups, most notably children, ethnic minorities (especially Native Americans, Hispanics and African Americans), and politically “invisible” people, such as prisoners and undocumented workers. In 2011, 14.9% of households in the USA were food insecure; and in 10% of households with children under the age of 18, both children and adults were food insecure (i.e., did not have access to enough food for an active, healthy life throughout the year).<sup>2</sup> Ethnic minorities are disproportionately poor and face additional barriers of structural racism through which combined policies, programs and institutions effectively wall off resources and opportunities. For example, US government agencies have a documented history of discrimination against farmers from ethnic minority groups in providing loans, grants and other services that have been otherwise readily available to farmers of Caucasian ancestry (whites).<sup>3</sup>

The “cheap food” policy that has held sway in the USA over the last half-century has resulted in relatively widespread access to cheap grains, dairy and meat products (although often in forms that are highly processed with added sugar, salt,

1 Molly D. Anderson is the Partridge Chair in Food and Sustainable Agriculture Systems at College of the Atlantic, Bar Harbor, Maine, USA 04609, and author of “Beyond food security to realizing food rights in the US”, *Journal of Rural Studies* 29: 113–122, 2012.

2 “Food Security in the U.S.” Economic Research Service, US Department of Agriculture, 2013. [www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us.aspx](http://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us.aspx).

3 See for example: Tadlock Cowan, Jody Feder, “The Pigford Cases: USDA Settlement of Discrimination Suits by Black Farmers”, Congressional Research Service, 12 March 2013. [www.nationalaglawcenter.org/assets/crs/RS20430.pdf](http://www.nationalaglawcenter.org/assets/crs/RS20430.pdf).

fats, and additives) and relatively limited access to fresh fruits and vegetables. Food industries in the USA have promulgated a diet high in energy-dense foods through advertising and the spread of fast-food enterprises, particularly targeting children and communities of ethnic minorities. The result has been stunning rises in obesity over the last few decades, with significant differences by race: the US Centers for Disease Control and Prevention report that, in the USA, more than one-third of adults (over 72 million people) and 17% of children are obese. From 1980 to 2008, obesity rates doubled for adults and tripled for children.<sup>4</sup> Obesity and lack of physical exercise are closely associated with metabolic syndrome, which is a risk factor for five of the ten leading causes of death in the USA in 2011.<sup>5</sup>

This article provides examples of ways that community-based and food justice organizations are helping to implement the right to food in the USA, despite the US government's abnegation of its responsibilities. These efforts point the way toward rights-based approaches to food security.

## COMMUNITY-BASED FOOD INITIATIVES IN THE UNITED STATES

Community-based and food justice advocates have established programs for low-income people that help them to grow their own food, get more affordable access to fresh fruits and vegetables and teach them how to cook for themselves and make healthier food choices. For example, through its *Fresh Food for All* program, the organization *Just Food* in New York helps food pantries and other emergency food programs get fresh, locally grown food to families and individuals, while giving farmers additional markets and teaching cooking skills and nutrition to food pantry staff and their clients. *Just Food* works with 48 food pantries and soup kitchens, arranging for farmers to deliver fresh vegetables.<sup>6</sup>

In Portland, the Oregon Food Bank runs the *FEAST* (Food, Education, Agriculture, Solutions, Together) program, which has empowered residents of 40 communities to build healthier, more equitable and more resilient food systems. *FEAST* has resulted in partnerships between farmers and emergency food providers, farm-to-school partnerships, new and expanded farmers' markets, and food systems coalitions that improve local food systems and individual food self-sufficiency.<sup>7</sup>

The organization, *Growing Power*, provides safe, affordable and healthy food to communities in the Midwest, builds community relationships and offers training through demonstrations and technical assistance. Food is produced in urban greenhouses, urban farms in Milwaukee and Chicago, and at a rural farm in Hartland, Wisconsin. *Growing Power* also distributes vegetables, grass-based meats and value-added products from over 300 small family farmers in the Rainbow Farmers Cooperative and through a year-round Farm-to-City Market Basket Program.<sup>8</sup>

These programs and similar US initiatives work in the interstices of the globalized food system; they do not have the power to transform it. In the best cases, they are building the capacity of people whose right to food is violated to grow their own food or find better ways to obtain healthy food, to become more aware of some of the fundamental issues that preclude the realization of the right to food and to reclaim some political power.

4 "Chronic Disease Prevention and Health Promotion: Obesity." *CDC*. Centers for Disease Control and Prevention, 26 May 2011. [www.cdc.gov/chronicdisease/resources/publications/aag/obesity.htm](http://www.cdc.gov/chronicdisease/resources/publications/aag/obesity.htm).

5 Diet-related links for heart disease, diabetes, stroke and some cancers are well documented. Research on the emerging links between diet and Alzheimers Disease (now the 6<sup>th</sup> leading cause of death) are reviewed in Vincenza Frisardi and Bruno Imbimbo (Guest Editors) *Metabolic-Cognitive Syndrome: Update on the Metabolic Pathway in Neurodegenerative Disorders*. *Journal of Alzheimers Disease* Volume 30, Supplement 2, June 2012; "Leading Causes of Death." *Centers for Disease Control and Prevention*. CDC, 11 January 2013. [www.cdc.gov/nchs/fastats/lcod.htm](http://www.cdc.gov/nchs/fastats/lcod.htm).

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## THE REALIZATION OF THE RIGHT TO FOOD IN THE USA

What is presently missing from community-based and food justice initiatives in the USA is focused attention on the root causes of hunger and food insecurity. Raising the minimum wage to a true living wage, providing employment for all who are able to work, reducing corporate influence on the US government and pernicious manipulation of food choices, and creating a mandatory social safety net for everyone should be considered as means of combating hunger in the United States.<sup>9</sup> The most serious missing piece, however, is concerted effort to hold the US government accountable for the realization of the right to adequate food for all people. Without demand from the people of the USA for responsible and responsive government, community-based initiatives will continue to serve some portion of the US population whose right to food is violated; but it will never substitute for recognition of the right to food.

<sup>9</sup> For more detailed recommendations, see also the recent report from the International Human Rights Clinic, "Nourishing Change: Fulfilling the Right to Food in the United States," New York: NYU School of Law, 2013. [http://chrj.org/wp-content/uploads/2013/05/130527\\_Nourishing-Change.pdf](http://chrj.org/wp-content/uploads/2013/05/130527_Nourishing-Change.pdf).

## SUMMARY AND CONCLUSION

What are the key features of policies that generate and condone hunger? What are the essential elements of policies that contribute to overcome the root causes of hunger? The *Right to Food and Nutrition Watch 2013* aims to answer these questions from a diversity of thematic and geographic perspectives. In this issue, academics, social movement activists, policy advisors and human rights defenders have identified typologies of policies that do harm, and offer alternative approaches to address hunger.

The most important conclusion that we can draw from these contributions is captured by reinterpreting a quote from Mahatma Gandhi: “There is no way to human rights—human rights are the way.” The overarching goal of realizing all human rights for all, and in particular, the right to food and nutrition, can only be achieved through strong, human-rights based accountability systems. There is a clear need to articulate feasible and culturally acceptable alternatives to dominant policies in the areas of agriculture, food and nutrition. These policy alternatives are rooted in people’s knowledge and their experiences gained through daily struggles to preserve their livelihoods.

In this publication the social movements emphasize food sovereignty as an alternative to policies that reproduce social exclusion, discrimination and generate hunger, particularly in rural communities. Food sovereignty is based on fundamental human rights, the right to self-determination, the rights to land, territory and other natural resources. The realization of these rights is promoted by alternative policies that rely on the agro-ecological approach and on rural-urban networks that support community agriculture and the vision of food and people’s sovereignty.

A call for people’s participation is made in this year’s *Watch*. Proactive civil society participation is stressed as essential to the proposing of alternatives to dominant and destructive policies. Rights holders—the people, their communities, their organizations and their social movements—are the most important actors when it comes to the design and implementation of policies that affect their livelihoods. Their human right to participate in decision-making is as important in the realization of the right to food as their right to be protected against repression when they protest in public. The indivisibility of human rights is demonstrated daily in this regard. It is not possible to realize human rights without their application in processes of policy design, implementation and evaluation.

This perspective clashes with emerging global trends, however. There is vast support for private investments in agriculture. While it is acknowledged that there may be a legitimate role for private investment in agriculture, civil society actors are frequently excluded from the planning and implementation of projects. This raises questions about the accountability of private actors with respect to the realization and protection of human rights, as well as their ability to deliver on the right to food and nutrition for the small producers they profess to assist. More participatory models that engage small producers in identifying the kind of development they want and need is clearly a better way to ensure the achievement of the right to food and nutrition for all.

This requirement is no greater than in the case of local artisanal fishermen and women adversely affected by the privatization of fishing grounds and the fencing of “protected areas” under the guise of environmental protection. Fishery policies should be human-rights based and the development of future policies must include the meaningful participation of artisanal fishing communities. Women especially suffer from the threats faced by fishing communities as they have limited means to

move or adapt to new livelihoods. The new fisheries agreement between the EU and Morocco is a striking example of the damage done when trade agreements rely on the exploitation of resources within an occupied territory.

The article on gender analyzes, in depth, the specific problems posed by a deficit in policies on non-discrimination and, more importantly, the inadequacy of monitoring, reporting, recourse and remedy mechanisms with respect to discrimination. This failure contributes to routine structural violence against women in the form of sexual harassment and intimidation. This is compounded by their lack of access to land ownership, finance and credit, meager opportunities to engage in activities to build capacity in the areas of nutrition and food production and limited access to decent work, according to ILO standards.

Policies that address discrimination and violence against women with respect to violations of their right to adequate food and nutrition include extensive education on human rights, access to affordable and accessible recourse and remedy mechanisms, anti-discrimination education programs for women and men, and a zero-tolerance approach to sexual violence. Leadership training—for women, delivered by women—should be part of the drive to increase the recruitment of women into leadership roles. In addition, the private sector must be held accountable to ILO standards related to decent work conditions and non-discrimination.

This issue of the *Watch* signals another disturbing trend—the monopolization and commoditization of public goods, such as land and seeds. The trend of land and natural resource grabbing, established in Africa, is now advancing in Europe, most rapidly in the East. The case of South Sudan highlights how communities are deprived of access to and control of land and natural resources that are exploited for the profits of foreign investors and multinational corporations. In countries where many citizens lack access to adequate food, among other core rights, it is imperative that states take their obligations under international law seriously and work towards policies that encourage local control of resources. Foreign investors must be held to extraterritorial obligations in the communities they invest in.

In the case of Niassa, Mozambique, a progressive land law that protects traditional ownership rights has not prevented peasant communities from being confronted with extensive land and resource grabbing and related human rights abuses. Instead of strengthening food producers' rights and access to resources, the Mozambican government is currently reinforcing efforts for policy "reforms" favoring land privatization and commodification. This trend is, to a large extent, the result of pressure from donors such as members of the G8 New Alliance, whose framework for Mozambique contains provisions for increased private sector investment and privatization of land.

The main hope for tackling these problems lies with the many peoples' movements emerging across the Global North and South and the application of existing human rights instruments. Social movements are taking up the struggle for land, for the right to cultivate, for improved systems of agriculture, and for stronger public support for agriculture. The full and meaningful acceptance and democratic application of the FAO's Tenure Guidelines can play a major role in contributing to the strengthening of these efforts to support small-scale agriculture and promote food sovereignty.

Central to these efforts is the demand for plurality in the management of seeds. This should be adapted to local needs and specificities, and managed by farmers and communities themselves. The *Watch* calls for a collective right of farmers on seeds, and for farmers' access to all seeds—unhindered by intellectual property rights. Farmers need to participate in the development of rules and regulations that govern seed systems. The case of genetically modified (GM) seeds in Mexico clearly illustrates the need for public mobilization for the effective application of legal

instruments to halt the ongoing threats to the cultural and biological diversity of the Mayan region. In Paraguay, the links between land conflicts and violence against peasant communities provide a dramatic example of how democratic processes can be subverted to introduce pro-GM policies that benefit transnational companies and the political actors involved.

Analysis of the passage of the new Right to Food Bill in India also supports the need for meaningful participation by civil society in the development of new policies and regulations. The side-lining of the Indian Right to Food Campaign's participation in the process led to a draft law and presidential ordinance that merely scratch the surface of the problem and does not address the fundamental issues concerning hunger on the sub-continent.

An additional critique of policies that fail to address the structural causes of hunger comes from India's neighbor, Nepal, which has been a regular recipient of food aid since the 1950s. International food aid programs operating in Nepal have come under scrutiny for their role in creating dependency and disrupting local livelihoods. By discouraging policies and programs that would underpin sustainable livelihoods for people in these highly vulnerable areas—for example investment in local agriculture to stimulate the rural economy—food aid has only insignificantly and temporarily benefited these communities. In fact, it has deepened the problem by sidetracking the attention of policy-makers, donor agencies and development workers from beneficial structural reforms of Nepal's rural economy.

While the unintended consequences of food aid are felt in poorer countries, populations in OECD countries are also affected by their own governments' non-compliance with state obligations under international human rights law. In the USA, for example, several socio-political barriers impede the realization of the right to food. These include the lack of formal recognition of this right, coupled with structural racism, failure to provide living wages and full employment for those able to work and pervasive corporate influence at all levels of government. The progressive realization of the right to adequate food and nutrition in the USA can only be achieved by a shift from the current ineffective charity model to a rights-based approach.

The German case shows that the increasing number of food banks in affluent countries has paradoxically led to a series of human rights concerns. Firstly, the increasing reliance on food banks is an indicator of growing poverty and food insecurity in a country—evidence that suggests the right to food is not being realized. Secondly, poverty and subsequent dependency on food banks reinforce social exclusion and undermine the ability of people to live a dignified life. The response to this development should be a human rights-based approach to disparity reduction rather than a narrow focus on poverty eradication. In taking human rights obligations seriously, states should guarantee adequate levels of social security and reverse policies that promote the expansion of the low-wage labor market. This has implications for public budgets as well as for tax justice and inequality, especially in countries that are hit by the economic crisis.

The impact of austerity measures in Europe on the national level is strongly illustrated in case of Spain. In this country, violations of the right to an adequate standard of living, and particularly the right to housing, have generated unprecedented social mobilization of those affected, as demonstrated by the *Plataforma de Afectados por la Hipoteca*. When forced to leave their homes, people suffer directly from the consequences of social exclusion and lose the conditions that enable them to realize other human rights such as the right to adequate food. In addition, the criminalization of the movement in the context of strong media pressure is deeply disturbing. The adopted amendments to the legislation of 2013, while acknowledged, offer an inadequate response to the ongoing social mobilization. Nevertheless, it is remarkable and promising to see how collective empowerment and the capacity to develop

joint proposals based on social self-organization can constitute such a monumental step forward in the struggle for economic, social and cultural rights in Spain.

In this context, what can be expected in the post-2015 era? Non-negotiable cornerstones of a new development model must include the reaffirmation of the primacy of human rights and its practical implementation; clear lines of human rights accountability; and firm targets for disparity reductions worldwide. Without the full operational inclusion of these principles, any post-2015 agenda will replicate the shortcomings of the MDGs. Civil society organizations should be careful not to participate in and accept processes that do not meet these fundamental standards. The formulation of any new global goals must include clear steps and indicators for the progressive universal realization of the right to adequate food and nutrition. This should be accompanied by the commitment to implement effective measures to end the impunity of those who violate this human right. The UN Special Rapporteur on the Right to Food's call for a stand-alone equality-goal in the post-2015 development agenda is essential, as economic inequality and gender forms of discrimination are a threat to the realization of most human rights, including the right to food and nutrition.

This issue of the *Watch* is directly relevant to the post-2015 debates in its thematic and geographic focus. Its central message is that all human rights, and particularly the right to food and nutrition, cannot be achieved without engaging the most affected rights-holders in the shaping of effective policies against hunger. Substantial progress cannot be made without using human rights as the key methodology to strengthen accountability systems and articulate alternatives to dominant policies in the food, agriculture and nutrition sectors. These alternatives are based on the daily struggles of the people.

*There is no way to human rights—human rights are the way.*

# LIST OF MAIN SOURCES AVAILABLE AT [WWW.RTFN-WATCH.ORG](http://WWW.RTFN-WATCH.ORG)

## ALTERNATIVES AND RESISTANCE TO POLICIES THAT GENERATE HUNGER

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The overarching goal of realizing all human rights for all, and in particular the right to food and nutrition, can only be achieved through strong, human rights-based accountability systems. There is a clear need to articulate feasible and culturally acceptable alternatives to dominant policies in the areas of agriculture, food and nutrition.

Contributors to *Right to Food and Nutrition Watch 2013* have identified typologies of policies that do harm, and offer alternative approaches to address hunger. These policy alternatives are rooted in people's knowledge and their experience gained through daily struggles to preserve their livelihoods. Rights holders—the people, their communities, their organizations and their social movements—are the most important actors when it comes to the design and implementation of policies that affect their livelihoods. More participatory models that engage small producers in identifying the kind of development they want and need is clearly a better way to ensure the achievement of the right to food and nutrition for all.

The *Right to Food and Nutrition Watch* monitors national, regional and global food security and nutrition policies from a human rights perspective, to detect and document violations as well as situations that increase the likelihood of violations and the non-implementation of human rights obligations that lead to policy failures. The *Watch* provides a platform for human rights experts, civil society activists, social movements and scholars to exchange experiences on how best to carry out right to food work, including lobbying and advocacy.