

Mandate of the Special Rapporteur on the right to food

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Geneva, July 22nd, 2010.

Dear Members of the Bureau,

Concerns : 23 July 2010 meeting of the Bureau of the Committee on World Food Security

I would like first of all to thank the Bureau of the CFS to provide the Members of the Advisory Group with an opportunity to send comments in advance of the meeting of the Bureau. I also would like to commend the Coordinators of the Policy Convergence Roundtables of the 36th session of the CFS for providing such an excellent basis for discussions. My comments on the documents that have been circulated are the following :

Transversal comments

I agree with comments made by both members of the Bureau and of the Advisory Group on the need to further clarify the desired outcomes of each session. The three background papers should have a unified way to suggest expected outcomes so that the plenary can send clear signals for the work of the CFS between its 36th and 37th session.

Roundtable 1

The background paper for this roundtable uses a livelihoods approach, including in the proposed recommendation 2 which proposes this wording : “The CFS recommends that addressing food security in protracted crisis countries should include the protection, promotion and rebuilding of livelihoods, and the rebuilding of institutions that support and enable livelihoods.”

Insofar as it refers to the rebuilding of institutions, this recommendation should refer to the need for countries to adopt and implement national strategies on the progressive realization of the right to food, as stated in the CFS reform document (CFS:2009/2 Rev.2) and in Guideline 3 of the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, and as recommended by the General Comment No. 12 adopted in 1999 by the U.N. Committee on Economic, Social and Cultural Rights. Even if no explicit reference is made to the adoption of such a strategy or action, an alternative wording could be : “The CFS recommends that addressing food security in protracted crisis countries should include the protection and promotion of the right to adequate food and the rebuilding of livelihoods, as well as the establishment of institutions that support the full realisation of the right to food.”

A reference to the right to adequate food implies that whichever institutions that are put in place shall have to be held accountable ; shall have to develop mechanisms to ensure the participation of those affected in the design and implementation of the policies they implement ; and shall have to work under the principles of non-discrimination and transparency. In my view, it is especially important in situations of crisis that

individuals and families that are food insecure are supported in ways that respect their dignity and avoid developing a relationship of dependency in which needs are met with charity : a clear definition of the obligations of the institutions that are to provide support to livelihoods, ensuring that such institutions will be accountable to those whom they seek to assist, thus making those benefiting from such support into rights-holders, may contribute to this.

In a report on the role of development cooperation and food aid in realizing the right to adequate food (A/HRC/10/5, 2009), I tried to highlight how the shift could be operated from a bilateral relationship between donor States and their partners in developing countries, to a triangular relationship involving the ultimate beneficiaries of food aid and development cooperation, through national parliaments, civil society organisations, and representatives of the most food insecure groups. This message could be integrated in the recommendations as well, particularly since too little is known about certain good practices that have developed in this regard, and as the CFS could function as a unique learning tool in this area.

Roundtable 2

I welcome the set of five proposals presented to foster coherence between responsible agricultural investment (RAI) and the Voluntary Guidelines on Responsible Governance of Land and Natural Resources Tenure (VG) as regards the question of transnational acquisition of land, as these proposals are made in the updated version of the background paper. I find particularly welcome the proposal to highlight the use of other business models than large land acquisitions and to define this as a key principle. I also support the addition of the principle of Free, Prior and Informed Consent in the RAI principles. In general, I commend the IFAD, which benefited from inputs of the FAO in the preparation of the note, for the excellent and very constructive approach they have taken.

Given the fact that the background paper acknowledges the importance to build coherence between both the RAI principles and the VG (the processes and the final documents), it may seem awkward for the CFS to endorse the principles on RAI at least a year before the VG would be endorsed, particularly as the final outcome of the VG is difficult at this early stage to anticipate. I understand that the proposal is that the principles on RAI and the VG should be complementary ; that the principles on RAI are only one part of a larger attempt to improve the responsible governance of land tenure and other natural resources, the VG defining the larger framework ; and that that the principles on RAI and the VG should therefore not be looked at separately from one another. If this understanding is shared by the members of the Bureau, the logical conclusion is that the CFS should at this stage simply take note of the principles on RAI, in their improved form as proposed by IFAD, perhaps adding that it is encouraged by the signal the presentation of these principles by international agencies sends a clear a signal to investors and host States, before fully adopting a comprehensive position on both documents in 2011.

In any case, it would not seem appropriate for the CFS to simply ratify the principles on RAI without ensuring that the principles are revised in order to take into account the various concerns exposed by a number of stakeholders, which goes beyond the organisations who took the initiative of developing the principles in their initial, draft form. The CFS is the most representative and authoritative forum for the development of such documents, that can only be seen as authoritative if they are perceived as developed in an inclusive way.

In my view, the CFS should at this stage i) take note of the principles and of the set of five proposals that are made in order to make them even more relevant to the challenges emerging from the development of large-scale investments in land; ii) identify the risks posed by large scale land investments, as they are very well presented in the background paper ; iii) insist on the fact that the principles should not be seen as voluntary, but are grounded in the obligations of States under international law, and seek to provide practical guidance as to how these obligations can be discharged in the context of large-scale land acquisitions ; iv) set up a CFS working group that would work in 2011 on this topic in the context of the mandate given to the CFS in its second phase of work: the monitoring / reporting / collective learning missions of the CFS are perfectly suited to dealing with this important topic, and the working group should operationalize this aspect.

Roundtable 3

This roundtable will not discuss existing documents, as the two others. This makes it even more challenging. If the 36th session of the CFS is to lead to concrete decisions on these vital topics, expected outcomes should be clarified so that the CFS can actually make progress between the 36th and 37th session. The fear has been expressed that the roundtables risk being mere talkshops rather than policy discussions aimed at preparing and influencing the recommendations and decisions that should be taken in plenary session on the day after the policy roundtables. If that fear were to materialize, this would be a failure, and a disappointment for all those who invested in the CFS over the past few months.

Setting ambitious expected outcomes for this third roundtable fits with the international agenda, given the recent announcement by France to place the issue of regulation of agricultural markets on the agenda of the G20 Summit they will host in March 2011. It is vital that the CFS may contribute to this discussion in a way that is relevant and contributes decisively to shaping the international consensus on this issue.

I made four proposals in a note presented on June 24th. These were : (i) Agreement on a two-year work programme for the CFS on the topic of vulnerability management and risk, including milestones and deadlines, allocation of responsibilities and methodologies (working groups, etc) ; (ii) Commissioning of a report from the HLPE on three key elements ((a) causes of vulnerability and risks, (b) measures which could be taken at domestic level to address these causes and manage risks, including options by which countries can shield themselves from the impact of volatile prices on international markets and (c) needs for international cooperation in fighting volatility on international markets); (iii) Agreement on initiatives for improved international cooperation aiming at supporting countries which seek to establish or improve safety nets ; (iv) Suggested ways to ensure that food security and climate change policies and agendas are harmonised and the outcomes of the negotiations in both fora are mutually supportive.

In my view, these proposals remain valid. At the very least, the proposed recommendations to be possibly agreed upon in plenary could include :

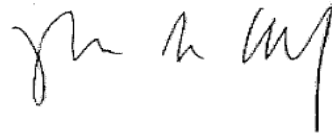
a) commissioning a report from the HLPE on issues such as (i) the impacts of price volatility on food security, both for producers, for net-food importing countries, and for consumers ; (ii) how price volatility could be addressed, (iii) how various measures adopted at domestic and international levels in order to limit price volatility could be made more coherent ;
b) the establishment of a CFS working group which would have two tasks : (i) to identify the linkages to be made between existing institutions or meetings (FAO Committee on Commodity Problems, G-20...) as well as the gaps to be addressed in order to effectively tackle vulnerability and risks (speculation on the futures markets of agricultural commodities or by commodity traders is a prime example), as this political process is something different from what the HLPE would do ; and (ii) to analyse the report made by the HLPE (before May 1st 2011), discuss the proposed recommendations, and make concrete proposals for the 37th session of the CFS.

As for a separate background document, it would be needed to clarify the nature of such documents. In my understanding, all documents had to be finished before August 1st for translation purposes. If additional, more detailed, documents will be submitted to States in addition to the existing background documents, that may be an interesting option, but I would be interested to receive more ample information on the way the Advisory Group is going to be involved with them.

I hope I will be forgiven for adding that, in my view, all three policy roundtables to be more explicitly anchored in the right to food in order to be consistent both with the reform of the CFS, as established in October 2009, and with the international developments since the global food price crisis, which saw repeated calls at the highest level for stronger implementation of the right to food in national and international food security policies.

Finally, I would welcome a joint meeting of the Bureau and the Advisory Group on the work plan, including the linkages between the Bureau/AG and the HLPE ; and the establishment of possible thematic working groups.

Sincerely,

A handwritten signature in black ink, appearing to read 'Olivier De Schutter', written in a cursive style.

Olivier De Schutter