



RIGHT TO FOOD AND NUTRITION WATCH

The World Food Crisis: The Way Out
2017/10th Anniversary Issue

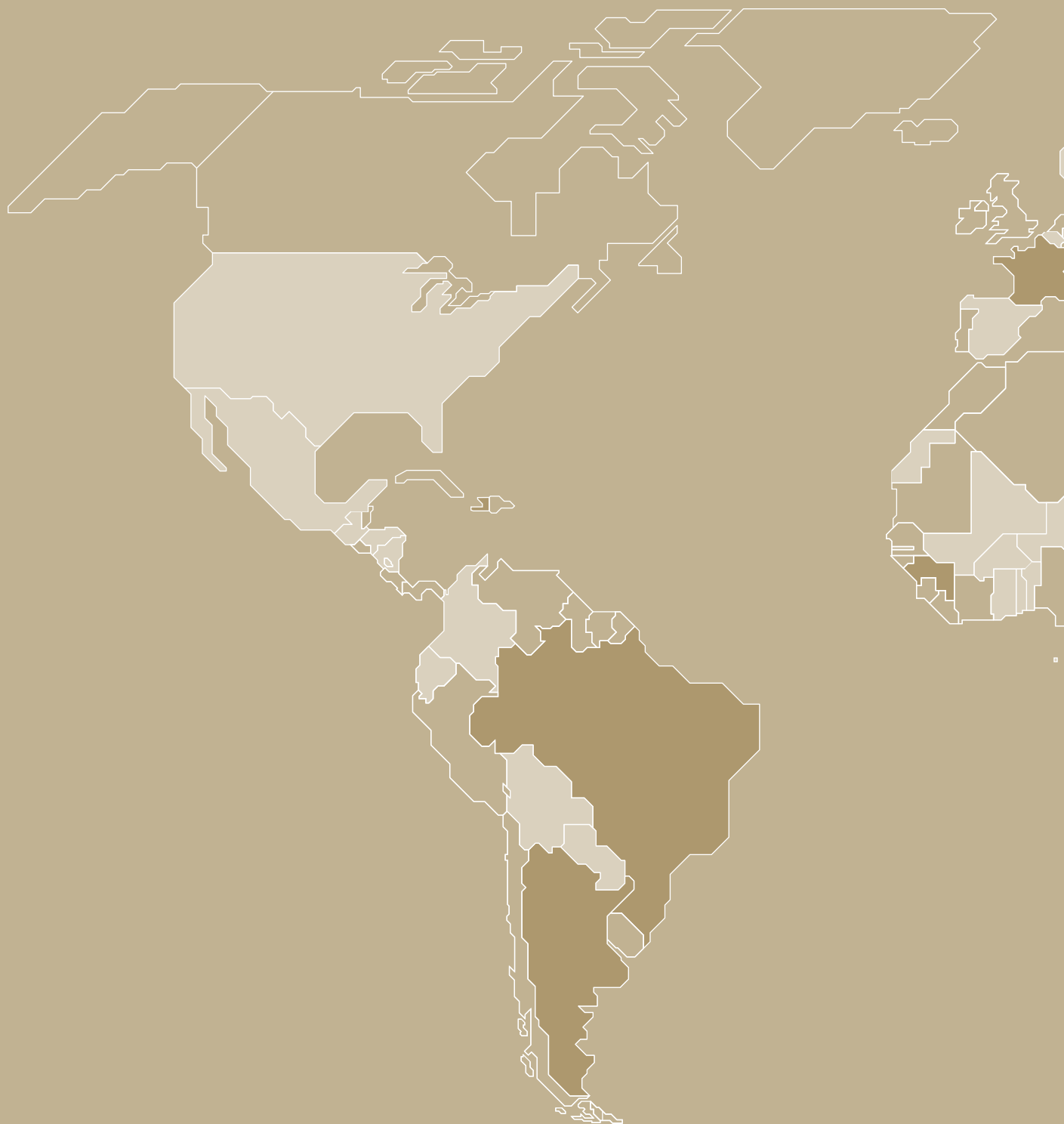


A DECADE OF THE *RIGHT TO FOOD AND NUTRITION WATCH*

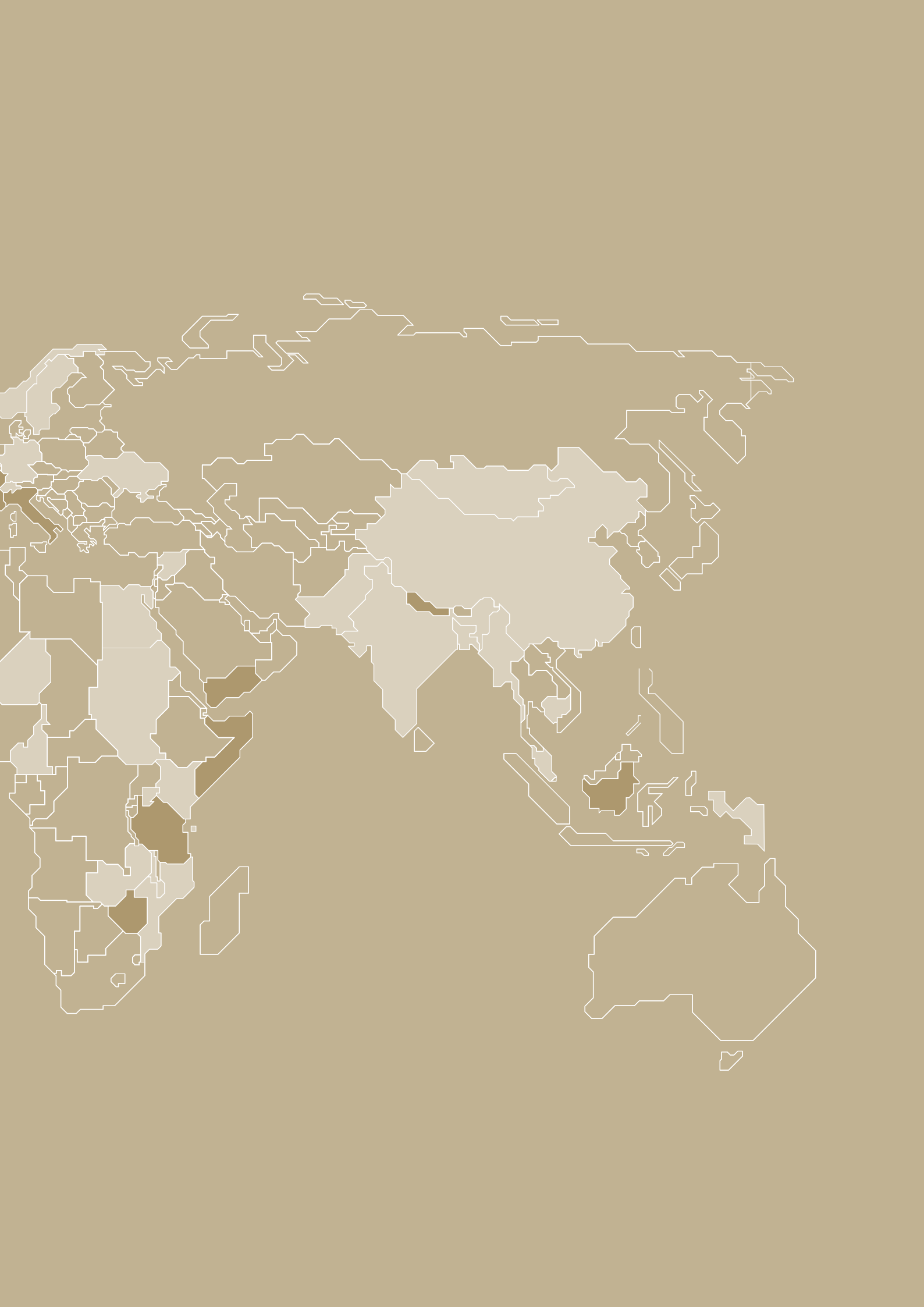
ISSUE	YEAR
<i>The World Food Crisis and the Right to Food</i>	2008
<i>Who Controls the Governance of the World Food System?</i>	2009
<i>Land Grabbing and Nutrition— Challenges for Global Governance</i>	2010
<i>Claiming Human Rights— The Accountability Challenge</i>	2011
<i>Who Decides about Global Food and Nutrition? Strategies to Regain Control</i>	2012
<i>Alternatives and Resistance to Policies that Generate Hunger</i>	2013
<i>Ten Years of the Right to Food Guidelines: Gains, Concerns and Struggles</i>	2014
<i>Peoples' Nutrition Is Not a Business</i>	2015
<i>Keeping Seeds in Peoples' Hands</i>	2016
<i>The World Food Crisis: The Way Out</i>	2017

WORLD MAP

GEOGRAPHIC COVERAGE OF THE *WATCH* 2008–2017



Covered in previous issues
Covered in 2017



Since the Zero Issue was launched in 2008, the *Right to Food and Nutrition Watch* has focused not only on global processes, but also featured relevant developments from the local, national and regional levels, shedding light on how social movements and civil society are organizing, resisting and rising up for a world where the human right to adequate food and nutrition can become a reality for all.

Incredibly, over the past decade these articles have covered close to 60 countries, autonomous regions and territories around the globe, representing around two thirds of the world's population. A further 20 articles have analyzed progress and challenges at the regional level, including in Latin America, the European Union, West Africa and Southeast Asia.

Over the next decade, we aim to continue sharing stories and strategies of peoples' mobilization in many more countries and territories around the world.

Countries, autonomous regions and territories covered between 2008 and 2017

AFRICA

Benin
Burkina Faso
Cameroon
Ghana
Guinea
Kenya
Malawi
Mali
Mozambique
Niger
Sao Tomé and Príncipe
Somaliland
South Sudan
Tanzania
Togo
Uganda
Zambia
Zanzibar
Zimbabwe

MIDDLE EAST AND NORTHERN AFRICA

Egypt
Gaza Strip
Syria
Western Sahara
Yemen

THE AMERICAS

Argentina
Bolivia
Brazil
Colombia
Ecuador
Guatemala
Haiti
Honduras
Mexico
Nicaragua
Paraguay
USA

ASIA

Bangladesh
Cambodia
China
India
Indonesia
Malaysia
Mongolia
Myanmar
Nepal
Pakistan
Philippines

EUROPE

Belgium
France
Germany
Italy
Norway
Spain
Sweden
Switzerland
Ukraine

IMPRESSUM



The *Right to Food and Nutrition Watch* is published by a consortium of 26 civil society organizations and social movements. It is also the flagship publication of the Global Network for the Right to Food and Nutrition.

RIGHT TO FOOD AND NUTRITION WATCH CONSORTIUM 2017

PUBLISHERS



Brot für die Welt
Bread for the World – Protestant Development Service
Germany



FIAN International
Germany



Interchurch Organisation for Development Cooperation (ICCO Cooperation)
Netherlands

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Benin



People's Health Movement (PHM)
South Africa



Biowatch South Africa
South Africa



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Switzerland



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International Indian Treaty Council (IITC)
USA



World Alliance of Mobile Indigenous Peoples (WAMIP)
India



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Spain



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Switzerland



Pakistan Fisherfolk Forum (PFF)
Pakistan



World Organisation Against Torture (OMCT)
Switzerland

SEPTEMBER 2017

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KontextKommunikation, Heidelberg/Berlin, Germany
www.kontext-kom.de

Print:

LokayDRUCK, Germany, on FSC-certified paper

Cover Photo:

Photo by Krishnasis Ghosh. This photo was submitted to Bioversity International's photo contest 'Women and Agricultural Biodiversity.'

Financed by:



Bread for the World – Protestant Development Service



FIAN International



Hands on the Land for Food Sovereignty (HotL4FS)



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ISBN:

978-3-943202-37-3



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ACRONYMS AND ABBREVIATIONS

ASEAN	Association of Southeast Asian Nations
CEDAW	UN Committee on the Elimination of Discrimination against Women
CESCR	UN Committee on Economic, Social and Cultural Rights
CFS	UN Committee on World Food Security
CSM	Civil Society Mechanism for relations to the UN Committee on World Food Security
CSO	civil society organization
ECVC	European Coordination Via Campesina
EP	European Parliament
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
GMO	genetically modified organism
GNRTFN	Global Network for the Right to Food and Nutrition
HRC	UN Human Rights Council
IACHR	Inter-American Commission on Human Rights
IFAD	International Fund for Agricultural Development

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ILO	International Labor Organization
NAFTA	North American Free Trade Agreement
NGO	non-governmental organization
SUN	Scaling Up Nutrition (Initiative)
TGs	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
TNC	transnational corporation
TPP	Trans-Pacific Partnership
TRIPS	Trade-Related Aspects of Intellectual Property Rights
UN	United Nations
UNDP	United Nations Development Programme
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNSC	United Nations Security Council
WFP	World Food Programme
WTO	World Trade Organization

*It was the best of times, it was the worst of times, it was the age of wisdom,
it was the age of foolishness, it was the epoch of belief,
it was the epoch of incredulity, it was the season of Light,
it was the season of Darkness,
it was the spring of hope, it was the winter of despair...*

Charles Dickens, *A Tale of Two Cities*

A decade has passed since the major world food price crisis of 2007/2008, described by many as a watershed. Back then, international prices of all major food commodities reached their highest level in nearly 30 years, pushing the number of people living in hunger to one billion, and compromising the human right to adequate food and nutrition of many more. While seizing the political moment and the language of crisis, social movements and allies emphasized that the crisis had been there all along: the events of 2007/2008 simply brought the cracks of an unsustainable, broken food system into view, forcing policy makers to acknowledge its failures. Some also highlight that it was (and still is) a multifold food, fuel, finance, and climate crisis—and even a human rights crisis, pointing to the systematic violations of the right to food and nutrition and other human rights.

Ten years later, despite some progress, many of the problems that led to the crisis in the first place persist. Social movements and civil society organizations (CSOs) are keeping up their struggle to transform food systems. They demand systemic transformations for a transition to sustainable production, distribution and consumption models, based on solidarity, social, environmental and gender justice, and the guarantee of the rights to food and nutrition, water, land and other territories, as well as the rights to health, social security and a healthy environment. Peoples' sovereignty and human rights are key to achieving this—monitoring and accountability as well.

It is therefore no coincidence that the Zero Issue of the *Right to Food and Nutrition Watch* was launched by eight CSOs ten years ago, amidst the crisis, with the goal of strengthen the monitoring and accountability for the right to food and nutrition. The first issue explored the implications of the then world food crisis and presented monitoring efforts from around the world, including from some countries that are addressed yet again in the present issue, such as Brazil and Haiti. In this 10th anniversary issue, the Watch Consortium and the Global Network for the Right to Food and Nutrition—each now comprising around thirty civil society organizations and social movements—are taking stock of the decade since the 2007/2008 world food crisis and looking forward at the challenges and opportunities that the coming period seems to anticipate.

During these past ten years, around 250 authors from all over the world have contributed to the publication, including social movements and civil society representatives, human rights experts, academics and policy makers. Three key pieces of evidence stand out. First of all, the *Watch* has clearly exposed the conflictual dynamics between two opposing visions of life, production, and socio-economic-ecological relations. On one side, the vision of food sovereignty and vibrant local food systems centered on small-scale food producers who see food as a fundamental human right as well as the cornerstone of our identities, livelihoods, ecologies, biodiversity and sovereignty. At the other end of the spectrum, the homogenizing and hegemonic global food system, which is driven by increasingly concentrated transnational corporations and reduces food to a tradable commodity.

The rural space is the primary locus where this conflict materializes, often violently, while in urban contexts the alarming incidence and prevalence of diet-related non-communicable diseases is on the rise worldwide.

The pursuit of the right to food and nutrition is therefore not a matter of progress in development, but rather a political struggle between opposing worldviews. If not a deliberate policy choice, the persistence of hunger, food insecurity and malnutrition in all its forms is a deep policy failure. Indeed, current mainstream development strategies, trade liberalization and the present pattern of economic globalization are making matters worse, rather than bridging the inequality gap. In this context, the second piece of evidence provided by ten years of the *Watch* is the dismantling of social welfare and the increasing privatization of basic services and common goods. Likewise the emerging capture and transformation of the state at all levels, including the supranational one, by rent-seeking economic elites whose vested interests in consolidating their grip on power are often at odds with the aspirations of their fellow citizens. Powerful political economies have generated abusive narratives that coopt and distort elements of the alternative vision to advance the moral justification for privilege. The use of normative and fiscal instruments thereby strengthens the corporate capture of agriculture and the neo-colonization of food systems.

The third piece of evidence that springs to mind after 10 years of the *Watch* is that the realization of the right of food and nutrition requires multi-scalar action: from local struggles to resist predatory forces and build sustainable alternatives, to the coalescing of movements for change at the next scale, be it sub-national, national, sub-regional, regional and global. At all these levels, critical institutional engagements within legitimate national and international governance spaces are essential, so as to reclaim the public interest, redirect development strategies and promote policy change. The *Watch* is proud of having played a role in connecting visions, analysis, actions and strategies at these multiple levels.

As many challenges remain on our path towards realizing peoples' food sovereignty, the *Watch* has been strengthened as a tool for the sharing and co-production of knowledge, experiences and strategies. The voices of social movements and marginalized groups are thus at the core of this publication. Available in English, French, Spanish and Portuguese, and in the case of some articles in Arabic, German and Italian, the goal remains to reach as many audiences, spaces and regions of the world as possible. The *Watch* will rise to the challenge, with many more instrumental issues to come over the next decade.

We would like to thank all those who have contributed to this anniversary issue of the *Right to Food and Nutrition Watch*, including the nearly 40 authors for their outstanding inputs and the Editorial Board members for their tremendous support. Special thanks go to the *Watch* Coordinator, M. Alejandra Morena, for her remarkably exceptional work, and to Felipe Bley Folly, the *Watch* Project Assistant, for his tenacity and commitment. We would also like to express our sincere gratitude to the editors, translators, proofreaders and reviewers.

Finally, we would like to dedicate this year's anniversary to all women and men around the world whose human right to adequate food and nutrition is being violated, and to those who are struggling for peoples' sovereignty and human rights, resisting and fighting back authoritarian regimes and the current threats to democracy posed by xenophobia, rabid nationalism and right-wing populism.

Yours sincerely,

Bernhard Walter, Bread for the World—Protestant Development Service

Sofía Monsalve Suárez, FIAN International

Marijke de Graaf, ICCO Cooperation

Special occasions merit special apparel—and the 10th edition of the *Right to Food and Nutrition Watch* is no exception. To mark this anniversary, ‘The World Food Crisis: The Way Out’, features ten main articles, illustrated by ten images. The first two pieces are framing articles assessing the origins and consequences of the 2007-2008 world food crisis and the ongoing ‘human rights crisis’. These are followed by thematic articles on some of the most pivotal issues and developments around the human right to adequate food and nutrition, which are complemented by concrete stories and experiences from social movements’ struggles from all regions in the world—from Argentina, through Somaliland, Yemen and France to Nepal. Throughout, dialectic tensions of various kinds operate, between and among global and local, emerging and traditional, and resistance and construction. The final section looks at the ‘The Way Forward’.

The opening article, ‘Ten Years After the World Food Crisis: Taking Up the Challenge of the Right to Food’, takes us through the decade following the 2007-2008 food price crisis, the year in which the Zero Issue of the *Watch* appeared. The ‘crisis’ forced food and agriculture to the top of the international policy agency. It led, among other measures, to a reform of the UN Committee on World Food Security (CFS), transforming it into the foremost inclusive global forum for deliberating on food issues from a right to food and nutrition perspective. Interest in fixing broken food systems may be waning today, however, and it is essential that decision makers focus on the key problem areas. The article signals three ongoing debates in particular: What food systems to invest in (with agroecological production models wedded to territorial markets vying with high tech industrial agriculture and global corporate-led supply systems supported by public-private partnerships)? How best to ensure access to a nutritionally adequate diet (highlighting the need to set effective social protection nets in place, to guard against corporate distribution channels purveying junk food, and to creatively use public policies in areas like public procurement and food reserves)? What approaches can most effectively ensure fair and stable food prices (pitting international market integration against support for domestic production for local markets and raising the issue of how to regulate the financialization of food and natural resources)?

The second framing article, ‘Echoes from Below: Peoples’ Social Struggles as an Antidote to a ‘Human Rights Crisis’, analyzes how human rights have been misused by transnational corporations (TNCs) and other private actors, detached from peoples’ reality and turned into a moral discourse. Following this logic, the right to food and nutrition has also been viewed through the manipulative lens of social corporate responsibilities to further profit gains. Concrete examples show us how social movements and civil society organizations (CSOs) have been organizing their struggles and rising up to demand peoples’ rights. Finally, it discusses why only a ‘radicalization’ of this crisis, through peoples’ social struggles, can provide the basis of a model of society in which the people, and not profit-making corporations, are the ones determining our future.

‘From a Market Approach to the Centrality of Life: An Urgent Change for Women’ highlights that even though women are the ones who feed the world, their work is invisible. The authors argue that market-oriented policies continue to reproduce inequality and that, without questioning the sexual division of labor and fully recognizing women’s work and rights, there will be no progress for them. It is therefore necessary and urgent to incorporate the feminist vision, placing the focus on the centrality of life beyond market interests. The related insight box

¹ We would like to thank [Nora McKeon](#) (International University College Turin, Rome 3 University and Terra Nuova) and [M. Alejandra Morena](#) (FIAN International) for drafting this piece.

depicts how women are organizing, resisting and defending their rights to land in three settings in Africa: Zimbabwe, Tanzania and Guinea.

The next piece, 'Building New Agrifood Systems: Struggles and Challenges', opens with a denunciation of the perverse dominant development paradigm that has engendered 'a society that is not only hungry, but also devoid of humanity'. It suggests key actions that must be taken to transform food systems. We need to resist 'multistakeholderism' that places people and corporations on the same footing, to make visible the reality that peasant production and territorial markets channel most—and the most nutritious—food consumed in the world, to resist approaches to urbanization that negate the dependence of cities on the territories in which they are situated, to recognize women as the pillars of food systems and, finally, to recover a collective and communal vision whereby food systems are built on human rights, from the bottom up. This article is complemented by an insight box on milk cooperatives in Somaliland illustrating how collective action by pastoralists—with women in the frontline—building on shared culture, values and trust can guarantee a sustainable milk supply and shield the country from domination by TNCs.

'Commons and *'Commoning'*: A 'New' Old Narrative to Enrich the Food Sovereignty and Right to Food Claims', a 'think piece', presents the 'commons' approach. The term is defined not purely in economic terms but rather as the combination of common resources, shared social practices instituted to govern these resources, and a common purpose for their collective management. The commons-approach, the authors maintain, offers a way to heal the rift between nature and the human realm introduced in Western culture during the Enlightenment with the result of making nature susceptible of being controlled and converted into a commodity. This appropriation was accompanied by a dual concept of public and private ownership, both legitimizing the idea that human beings can take control of their surroundings to their benefit. As in the case of peasant production and territorial markets, reality has been rendered invisible by the dominant paradigm. Ideas and practices that operate beyond the public-private binomial—such as the fact that two billion people around the world depend on commons for their livelihoods—are ignored. Their self-regulated collective systems of governing co-existence between humans and natural resources are not related either to market mechanisms or to state regulation. Drawing on age-old traditions, they represent a paradigm shift in the direction of collective duties towards others and towards the planet that stands in stark contrast with the dominant industrial food system, most of whose components are valued and organized as private goods. The consideration of food as a commons, the authors conclude, can enrich the food sovereignty movement and strengthen right to food and nutrition claims with a transformative narrative that combines old and new value-based discourses and practices.

Two insight boxes accompany this article, both highlighting access to land but in very different contexts. The first one looks at how the Tenure Guidelines adopted by the CFS in 2012 are being used by self-organizing indigenous peoples and customary communities in Nepal to defend their non-statutory rights to grazing areas, rivers and non-timber forest goods. The following switches the scene to Europe, where struggles to ensure peasants' access to and control over land and natural resources in Europe employ a combination of local mobilizations and regional advocacy targeting the European Parliament.

'Faced with Climate Change, Look to Peoples' Solutions' denounces those false solutions to the climate crisis—agreed upon within UN spaces—that seek to maintain existing economic and political structures, creating socio-environmental conflicts in the territories. Addressing this crisis requires instead a transformation

of the capitalist model, towards models based on solidarity, social, environmental and gender justice, which respect the worldview of different peoples and guarantee their rights. The transition to these models must be implemented through public policies that respond to this urgent need.

The next piece addresses corporate control of food systems. ‘The Three Agribusiness Mega-Mergers: Grim Reapers of Farmers’ Sovereignty’ traces the development of control of the global agricultural system by corporate capital. This evolution has increasingly subjected states to the logic of capital accumulation, culminating in the financialization of the production system. The mega-merger between the ‘Big Six’ seed and agrochemical giants is a case in point. Additionally, the dominant technological pathway characterized by specialization negates the innovative capacities of rural producers and converts them into passive recipients of top-down corporate innovations. Small-scale producers, however, are contesting corporate consolidation and are fighting to maintain diversity and build resilience to climate change. The fight is taking place both in local struggles and in global negotiations with civil society groups, such as those seeking adoption of a UN Declaration on the Rights of Peasants and Other People Working in Rural Areas.

Highlighting the impacts of corporate power, the first insight box shares the experience of how ‘Fumigated and Undernourished, Argentina Fights Back to Reclaim Food Sovereignty’. The facts are astounding: over 60% of Argentina’s cultivated land is occupied by glyphosateresistant soybean, contributing to an 850% increase in consumption of agrochemicals between 2003 and 2015. Negative impacts on human health, natural resources and the commons are well documented, but the state has been captured by the interests of those who benefit from the dominant agrifood system. Nonetheless, a wide, diversified and articulated resistance movement is building up, involving indigenous peoples, communities, doctors, lawyers, academics, and socio-environmental assemblies.

Moving to Europe, the second insight box denounces how the activities of TNCs have a severe impact on the lives of small-scale milk producers and farmers, with a focus on Italy and France. The transnational dairy giant Lactalis—which holds 33% of the milk market in Italy and more than 20% in France—follows the logic of profit and market expansion. Faced with international competition, many farmers are forced to stop dairy production and the remaining producers are increasingly forced to industrialize production, thereby lowering the quality of milk produced. In this sector, it is crucial to implement collective actions, linked to the actions of local authorities and governments, for a better organization of markets, rebalancing the balance of power in favor of independent producers, who can be free to defend the product of their work.

‘Addressing Structural Inequity: Global Trade Rules and their Impact on Food and Nutrition Security’ calls out the unfair rules set out at the WTO that allow Europe, the USA and other rich countries to continue with their subsidy regimes, while severely restricting the policy and fiscal space available to Asian and African countries to do so. The author further argues that, while the impacts of unfair trade rules on hunger and undernutrition are relatively well understood and documented, when it comes to malnutrition in all its forms (including obesity), it is only now that the full impact of trade rules is being comprehended. Emerging evidence shows that trade rules threaten the nutritional status in many countries across the globe. For things to change, CFS member states must play a more active role in reframing the global governance architecture of food and nutrition security, by including in their mandate the unfair global trade rules that exacerbate the double burden of malnutrition.

The complementary insight box on Indonesia highlights the problem of shrinking domestic policy space: as a result of peasant organizations movements’

struggles, Indonesian food policies required the fulfillment of national food necessities from horticultural and animal products to be supplied from domestic production, thus limiting imports. However, as a result of a dispute with New Zealand and USA at the WTO, Indonesia was forced to recalibrate its food policy to be in line with the WTO ruler. This is a further example of unfair global trade rules prevailing over food sovereignty, peasants' rights and local food systems. The piece further demonstrates the impact of the activities of TCNs, including the criminalization of peasants following the legalization of the monopoly over seed ownership by corporations under the WTO patent protection regulations.

The final thematic piece poses the question 'Is the Right to Food and Nutrition in Emergencies on the Right Path?' The author's answer is mixed. Practices of food relief have improved, moving away from surplus shipping from donor countries in the direction of local and regional food purchases, even on the part of the USA. At the same time, donor response lags behind mortality of the vulnerable in crisis situations, and product-based treatment of malnutrition risks dampening the development of human rights-based, locally owned, bottomup approaches. Above all, the international community is resisting other types of intervention that can be more effective than food relief, such as market regulation and use of public stocks. The root causes of food insecurity are most often not addressed. An emblematic case is that of Ethiopia, which needed international support to feed some 18 million food insecure people in 2016 but at the same time offered millions of hectares of land to foreign investors for plantation development.

A complementary insight box, 'Protecting Children's Right to Food and Nutrition in Emergencies: Local Solutions Come First', looks at the uses and risks of ready-to-use foods in cases of malnutrition. The author warns that it is crucial to make a distinction between the *essential* medical treatment and the *medicalization* of nutrition, which delinks solutions from food systems. Indeed, these products have stimulated the growth of an industry that unscrupulously targets emergencies for commercial purposes. In order to realize the right to food and nutrition in emergencies, the limited resources should mainly be invested in local bottom-up measures that help build resilience and restore the capacity of people to feed themselves.

Testimony from Yemen and Haiti completes this discussion on emergencies. The current Yemen crisis arguably represents the most acute violation of the right to food and nutrition in the world. It is estimated that seven million people in Yemen face the possibility of famine, while almost half a million children face acute malnutrition, in what is being described by UNOCHA as "the largest food insecurity emergency in the world". The insight box analyzes the causes of the crisis: the agrarian policy history of the last half a century and the internationally supported war of aerial bombardment and economic blockade.

The next insight box moves to the small island nation of Haiti, one of the most vulnerable countries to climate change in the world. International humanitarian assistance was needed in Haiti in the aftermath of the 2010 earthquake and again after Hurricane Matthew in 2016. However, the international community continues to provide aid without strengthening national agricultural production. After the hurricane, the mass distribution of rice, which is not normally consumed, led to a change in eating habits, food dependence, and nutritional problems, as well as the marginalization of food producers. Like the previous pieces, the case of Haiti illustrates the need to amend aid to ensure that the productive potential of the region is enhanced; otherwise aid will continue to aggravate the situation and prevent people from becoming agents in their communities' reconstruction.

The final piece of the 2017 edition of the *Watch* is devoted to 'The Way Forward'. Based primarily on inputs provided by social movements, indigenous peoples and CSOs through questionnaires and face-to-face interviews, this collective piece takes

stock of what they see as opportunities and challenges regarding peoples' struggles for food sovereignty and the right to food and nutrition. The Zero Issue of the *Watch* in 2008 was dedicated to assessing the then emerging world food crisis. Ten years on, one can ask: what is the way forward? Where are we standing now? There is no straightforward answer, but solutions will undoubtedly emerge from experience at the grassroots level and the political expertise of social movements.

01

SPOTLIGHT TEN YEARS AFTER THE WORLD FOOD CRISIS: TAKING UP THE CHALLENGE OF THE RIGHT TO FOOD

*Sophia Murphy and
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“To have the wherewithal to feed ourselves into the future, we urgently need to build up resilient local and regional food systems and address the extreme concentrations of power in national and international markets.”

The food price crisis of 2007–2008 was a watershed. Ten years later, despite a number of important initiatives to change aspects of the food system, many of the problems that led to the crisis in the first place persist. There is much to be done.

The heart of the crisis lasted about six months starting late in 2007, during which time the international prices of all major food commodities reached their highest level in nearly 30 years.¹ This pushed the number of people living in hunger to one billion, while compromising the human right to adequate food and nutrition of many more.² In an attempt to compensate for the higher food prices, many people, particularly women, were pressed to take on additional work, often under exploitative and unsafe conditions, with ripple effects in other aspects of life.³ The food price spikes also forced many to reduce both the quantity and quality of the food they consumed.⁴ The crisis had profound effects on people’s lives and livelihoods, on their relationships to food, as well as on public health and on the social fabric of communities—effects that are still being felt to this day.

THE GLOBAL FOOD CRISIS: WHAT WAS BEHIND IT

The crisis was a convergence of long- and short-term factors that destabilized international food markets, and, with them, domestic food markets.⁵ Many of the causal factors were long-standing—if largely hidden—problems in food systems. Levels of productivity growth in agricultural output had stagnated; the incidence of drought and flooding, associated with deforestation and climate change, was on the rise; demand in some heavily populated regions for animal sourced foods and fresh fruits and vegetables was also increasing, putting pressure on staple grain acreage at the same time as many poorer countries were increasing their reliance on imports of those staple grains. The decision by several large exporting countries to end or reduce public stockholding meant supplies for the export market were quickly constrained by a few poor harvests, while the financialization of agricultural commodities confused market signals of supply and demand with very short-term speculative interests. Financialization refers to the process that has turned finance from an instrument to facilitate commercial production and exchange (e.g. loans based on land as a collateral) to finance as a way to make money from financial activities themselves (e.g. derivatives based on those loans). The dramatic expansion of financialization was made possible in part by the deregulation of banking and commodity futures markets, primarily in the U.S., which gave speculators significantly more scope to affect agricultural commodity prices. Above all, the public mandates to expand agrofuel production and use in many countries that also are major grain exporters, especially the U.S., created destabilizing expectations on the future use of land and grains. Although actual use of grains for agrofuel at the time was still modest, the public mandates created an expectation of expansion (to some extent borne out over the subsequent years) that drove prices sharply higher, an effect that was further magnified by the sharp rise in oil prices that occurred at the same time as the food price spikes.⁶

Acknowledgements

Special thanks to Saulo Araujo (WhyHunger) for his involvement in the initial conceptualization of this article and to Nora McKeon (International University College Turin, Rome 3 University and Terra Nuova), Stefano Prato (Society for International Development, SID) and Marcos Arana Cedeño (International Baby Food Action Network, IBFAN) for their support in reviewing it.

Photo

Argentines mobilizing in the capital (Buenos Aires, Argentina, 2016). Photo by Pablo Ernesto Piovano.

- 1 Headey, Derek and Shenggen Fan, “Reflections on the global food crisis. How did it happen? How has it hurt? And how can we prevent the next one?” *IFPRI Research Monograph* 165 (2010). Washington DC: International Food Policy Research Institute.
- 2 De Schutter, Olivier and Kaitlin Y. Cordes. “Accounting for Hunger: An Introduction to the Issues”. In *Accounting for Hunger: The Right to Food in the Era of Globalisation*, edited by Olivier De Schutter and Kaitlin Y. Cordes, 1–24. Oxford: Hart Publishing LTD, 2011.
- 3 Patta Scott-Villiers et al., *Precarious Lives: Food, Work and Care After the Global Food Crisis*. Brighton: IDS, 2016. Available at: opendocs.ids.ac.uk/opendocs/bitstream/123456789/12190/1/PrecariousLives_Online.pdf.
- 4 *Ibid.*
- 5 Wise, Timothy A., and Sophia Murphy. *Resolving the Food Crisis*. Boston and Minneapolis: Global Development and Environment Institute and Institute for Agriculture and Trade Policy, 2012. p. 38. Available at: www.ase.tufts.edu/gdae/Pubs/rp/ResolvingFoodCrisis.pdf.
- 6 Headey and Fan, *supra* note 1.

The mix of factors was viewed by some as a ‘silent tsunami’⁷—in other words, a rare but devastating coincidence of events. But others, including many from within the food sovereignty movement, emphasized that the crisis had been long in the making; the events of 2007–2008 were simply bringing the cracks of an unsustainable food system into view. For those who had paid attention, this unsustainability had been evident in the systematic exploitation of farm labor, the persistent pollution of natural resources, the concentration of economic power and wealth that left food producers chronically indebted, and the rising levels of inequality in access to both food and productive resources. Social movements and allies seized the political moment, and the language of crisis, but emphasized that the crisis had been there all along. The human right to adequate food and nutrition had been profoundly neglected; the food price crisis forced policymakers to at least acknowledge how badly food systems had failed.

The food price crisis also forced food and agriculture to the top of the international policy agenda. Perhaps the clearest example of this was the reform of the United Nations (UN) Committee on World Food Security (CFS) in 2009. The CFS had long been considered an ineffectual talk shop: With the reforms, it became the foremost inclusive global food forum, with active civil society participation, particularly among sectors most affected by the crisis.⁸ Yet ten years later, food security is slipping down the priority list. The level of support from international cooperation budgets for food security, for example, has fallen. Grain supplies are again at high levels, and although prices remain unstable, they are on average lower than they were a few years ago. There is a real risk that broken food systems will be left unrepaired, awaiting another tsunami.

To strengthen food systems, decision-makers must decide what the real problems are. Clearly there are important opportunities for policy intervention in the production, distribution and the consumption of food. Yet even the questions remain heavily contested. This article explores three of the ongoing debates. First, what kind of agriculture should governments support? Should it be agroecology or the ‘new green revolution’? Each requires quite different infrastructure investments, inputs, property rights, and governance structures. Second, concern over food access raises questions over nutritional quality, food sourcing and what kinds of safety nets best support the realization of the right to food and nutrition. Third, how should food prices be stabilized? How should governments manage continuing investments in domestic production, local market development and public food stocks, and how should these be managed in conjunction with international markets?

INVESTING IN AGRICULTURE: CLASHING FOOD SYSTEM PARADIGMS

The food price crisis increased interest in small-scale food providers, whose role had suffered decades of neglect under structural adjustment programs. Policymakers realized just how much of the world’s food was provided by small-scale food providers, as well as the paradoxical truth that those same providers (a group that includes farmers, fishers, pastoralists, and agricultural workers) comprised the majority of the world’s poor and hungry.⁹ There was also increased awareness that women in particular are disproportionately vulnerable to hunger, despite their critical role in food provisioning.¹⁰ At the same time, agricultural input companies such as Monsanto and Yara used the crisis to argue for a massive expansion of food production to avoid the shortages that had triggered the crisis. The message that

7 Interview with Josette Sheeran, then Executive Director of the World Food Program. UN News. 2008. Available at: www.un.org/apps/news/story.asp?NewsID=26412#WP92SsYZN3k.

8 McKeon, Nora. “Are Equity and Sustainability a Likely Outcome When Foxes and Chickens Share the Same Coop? Critiquing the Concept of Multistakeholder Governance of Food Security”. *Globalizations* 14(3) (2017): 379–398.

9 De Schutter and Cordes, *supra* note 2.

10 Asian Development Bank. *Gender Equality and Food Security: Women’s Empowerment as a Tool Against Hunger*. Mandaluyong City, Philippines: Asian Development Bank, 2013. Available at: www.fao.org/wairdocs/ar259e/ar259e.pdf.

emerged from the UN Food and Agriculture Organization (FAO) (and that was taken up by many others) was that the world needed to increase food production by 70% (or more) by 2050, a claim that downplayed the fact that the for the duration of the food price crisis, there was more than enough food to meet global demand, just no way to protect people's access to that supply.¹¹

This argument over whether and how to grow more food generated heated debates over agricultural investment: investment for and by whom, on what terms, and toward what ends? These debates (including debates on 'responsible agricultural investment' in the CFS from 2010 through 2014) get to the heart of competing paradigms around food systems transformation. Food sovereignty activists insist that small-scale food providers are the biggest investors in food production and as such deserve recognition and support.¹² In contrast, the more highly capitalized and politically influential model of investment involves more top-down and centralized approaches, often relying on public-private partnerships (PPPs) and involving large-scale land transfers.¹³ This kind of investment is a driving force in what some have termed land grabbing, in which small-scale food providers find themselves dispossessed of their land by large-scale commercial operations, and/or subsumed into larger operations as plantation laborers or contract growers, often under exploitative conditions.¹⁴ Despite mounting evidence that many of these investments are failing to live up to their promises, and have opened new avenues for human rights abuses, they not only persist ten years in, but are also being consolidated and expanded.¹⁵ An example is the G8's New Alliance for Food Security and Nutrition,¹⁶ launched in 2012, which promotes large-scale agricultural investment in Africa through mechanisms such as the Southern Agricultural Growth Corridor of Tanzania (SAGCOT), covering a third of the country's mainland. These investments are not only made in the name of food security, but increasingly in the name of climate change mitigation, too, through programs such as REDD+, 'climate-smart agriculture' (CSA), and a widening array of 'green and blue carbon' scheme that create financial links between farmland, forests, and fisheries and global carbon markets.

Social movements have offered multi-pronged and multi-scalar responses to the push for industrial agriculture models, from direct confrontations on the frontlines of megaprojects to the occupation of global policy spaces. Food sovereignty organizations command an unprecedented level of visibility in several global governance spaces, most notably the CFS following its reform in 2009. That visibility is the result of years of mobilization from the outside, which long preceded the food price crisis, and is now maintained through finely crafted inside-outside strategies. While power imbalances are an ongoing challenge, movements and their allies have made strategic use of these spaces.¹⁷ A major win in this area was the adoption of the Voluntary Guidelines on the Responsible Tenure of Land, Fisheries and Forests in the Context of National Food Security (hereinafter the Tenure Guidelines) at the CFS in 2012. After tough negotiations involving civil society, the Tenure Guidelines are now being taken up by grassroots actors as a tool in the struggle for resource rights around the globe.¹⁸

The continuing food crisis—some call it a multifold food, fuel, finance, and climate crisis—has also served as a springboard for food sovereignty movements to advance alternatives. Chief among these is agroecology. Approached as a science, a set of practices, and a movement for food production that works with nature,¹⁹ agroecology is a pillar of food sovereignty. Standing in stark contrast to industrial

11 *Ibid.*

12 For more information on small-scale food providers, please see the article "The Construction of New Agrifood Systems: Struggles and Challenges" in this issue of the *Right to Food and Nutrition Watch*.

13 McMichael, Philip. "The Land Question in the Food Sovereignty Project". *Globalizations* 12(4) (2015): 434–451.

14 De Schutter, Olivier. "The Green Rush: The Global Race for Farmland and the Rights of Land Users." *Harvard International Law Journal* 52(2) (2011): 503–559. Available at: www.harvardilj.org/wpcontent/uploads/2011/07/HILJ_52-2_De-Schutter1.pdf.

15 Wise, Timothy A. "Land Grab Update: Mozambique, Africa Still in the Crosshairs." *Food Tank*, October 31, 2016. foodtank.com/news/2016/10/land-grab-update-mozambique-africa-still-in-the-crosshairs.

16 For more information on the negative impacts of this program, please see: FIAN International and FIAN Germany. *G8 New Alliance for Food Security and Nutrition in Africa: A Critical Analysis from a Human Rights Perspective*. Heidelberg: FIAN International, 2014. Available at: www.fian.org/fileadmin/media/publications_2015/2014_G8NewAlliance_screen.pdf; and Pschorn-Strauss, Elfrieda. "African Food Sovereignty: Valuing Women and the Seed They Keep." *Right to Food and Nutrition Watch* (2016): 49–51. Available at: www.righttofoodandnutrition.org/african-food-sovereignty.

17 McKeon, *supra* note 8.

18 For more information on how the Tenure Guidelines are utilized by social movements and indigenous peoples worldwide, please see: Strapazon, Angel. "Towards an Assessment of the Implementation of the Guidelines on Tenure of Land, Fisheries and Forests: A Tool for Social Movements' Struggles." *Right to Food and Nutrition Watch* (2016): 29–33. Available at: www.righttofoodandnutrition.org/towards-assessment-implementation-guidelines-tenureland-fisheries-and-forests; Franco, Jennifer, and Sofia Monsalve Suárez. "Why Wait for the State? Using the CFS Tenure Guidelines to recalibrate the political-legal terrain in struggles for human rights and democratic control of land, fisheries and forests". Forthcoming.

19 *Food First. Issue Primer: Agroecology*. Oakland: Food First, 2011. Available at: foodfirst.org/wpcontent/uploads/2014/04/FF_primer_Agroecology_Final.pdf.

models of production that require environmentally and economically costly external inputs while generating substantial waste and other social and environmental costs, agroecology now receives an unprecedented level of interest and visibility, including from some governments. This is particularly the case as intensifying climate-induced disruptions have increased the challenges to industrial agriculture. The year 2015 was a landmark year for the promotion of agroecology, with both an international forum on agroecology in Mali organized by social movements and an unprecedented level of engagement on agroecology by the FAO. The FAO organized a series of regional meetings, with active participation of civil society groups between 2015 and 2016 and now maintains an online hub on agroecology, along with other forms of sustained engagement.²⁰

These processes have not been without tensions. Advocates of agroecology are well aware that good ideas mixed with highly unequal political voice can lead to co-optation. This is why food sovereignty activists are wary of terms such as ‘climate smart agriculture’ (CSA), which they see as intentionally vague, allowing policy makers and private corporations to borrow selectively from the repertoire of agroecology, while leaving the door open for conventional practices couched in green packaging.²¹ Where CSA fails, from the food sovereignty perspective, is in its failure to embrace the more transformative elements of agroecology and food sovereignty, such as justice, which are central to their framing.²² Yet as scholar activist Jahi Chappell points out, “While there is the threat of co-optation, the very fact of this threat is evidence that agroecology has now become something other actors in the food system think has some power, utility, and momentum”.²³ Indeed, the most powerful action against co-optation by the movements is their refusal to relinquish the concept. Agroecology schools continue to spring up, especially in Latin America, and elsewhere around the globe, while new examples of agroecology are scaled both outward and upward. New networks for agroecology are emerging from West Africa to North America, while links are being formed between researchers and practitioners, further pushing agroecology’s diffusion and uptake.

IMPROVING FOOD ACCESS: SOCIAL PROTECTION, MEDIATED MARKETS AND NUTRITIONALLY ADEQUATE DIETS

In addition to raising the question of how countries should go about growing more food for local markets, the food price crisis forced a conversation about social protection and the structural barriers to food access. As former UN Special Rapporteur on the Right to Food Olivier de Schutter (whose tenure from 2008-2014 largely coincided with the food price spikes and their aftermath), emphasized, hunger is rarely the result of insufficient food production, but rather the result of poverty.²⁴ As self-production and purchases are two main channels through which people realize their right to food and nutrition, this underscores the importance of access to and control over productive resources, fair and stable prices for food producers, and living wages for workers. Food access also raises the importance of social protection for vulnerable populations, and of proper nutrition. The food price crisis encouraged experiments in which local, regional and national governments explored how to use public procurement to strengthen local markets to connect producers and consumers, and to improve the nutritional content of the food provided to school children. A noticeable shift in general to

20 For more information, please visit: www.fao.org/agroecology/en/.

21 Chappell, M. Jahi. “Looking back from Paris to Senegal: What the FAO Regional Agroecology Meeting had to say on Climate-Smart Agriculture.” IATP Blog. December 22, 2015. Available at: www.iatp.org/blog/201512/looking-back-from-paris-to-senegal-what-the-fao-regional-agroecology-meeting-had-to-say-.

22 Pimbert, Michel. “Agroecology as an Alternative Vision to Conventional Development and Climate-smart Agriculture”. *Development* 58 (2–3) (2015): 286–298; Borrás, Saturnino Jr., and Jennifer Franco. “Climate smart land politics in the era of the global land rush? Land redistribution, recognition and restitution for agrarian and climate justice”. Forthcoming.

23 Chappell, Jahi. E-mail message to authors, April 11, 2017.

24 De Schutter and Cordes, *supra* note 2.

address the need to improve nutrition and healthy diets is evident in government policies, albeit with many challenges still unanswered.

On the issue of fair and stable prices for food producers, little has changed in terms of global export markets, where multinational traders dominate and food producers have little to no ability to demand fair prices for what they produce. Fair trade has grown in popularity, but remains a niche with limited ability to achieve structural transformation in the broader food system. On the other hand, some important initiatives in various parts of the world have sought to secure fairer pricing at the domestic and local levels, particularly using direct marketing and public procurement policies, as discussed below. On the question of living wages, labor groups such as the International Union of Food Workers (IUF),²⁵ along with others such as the Special Rapporteur on the Right to Food, have argued for the importance of living wages for the realization of the right to food and nutrition,²⁶ including at the CFS. While living wages remain an aspiration more than a reality, the issue has received growing political attention, including from governments, and has been the subject of a lot of public debate. Included in these debates is the concept of a 'basic income', or an unconditional universal publicly-guaranteed minimum income for citizens, an idea that has been piloted in several countries, including Namibia, Brazil, and India.

The question of a basic income raises the matter of social protection more broadly. Social protection is described by the CFS High Level Panel of Experts (HLPE) as "a menu of policy instruments that addresses poverty and vulnerability, through social assistance, social insurance and efforts at social inclusion".²⁷ The food price crisis tragically demonstrated that even fairly small increases in food prices can have a widespread effect on the hundreds of millions of people who live above, but only just above, the poverty line.²⁸ Just as protracted crises were teaching those responsible for humanitarian interventions that responses needed to be quick and incremental and not wait for catastrophe to strike before getting started, so the food crisis made it clear that even relatively modest safety nets could keep people working and investing in their productive activities if they were not obliged to divert additional income to buying food. The topic of social protection, including direct cash transfers, has gained traction in the years since the food price crisis, and was a major topic of debate at CFS 39, in 2012. Among the lessons of the food price crisis is the importance of a holistic approach to social protection that includes insulation against food price shocks, protection of labor and livelihoods, and "protecting social values around food, and the social arrangements of nourishment",²⁹ crossing over into food sovereignty struggles.

Increased attention to food access has focused not just on food quantity but also on the quality of food available, putting a spotlight on nutrition.³⁰ One of the central effects of the food price crisis was that it forced low-income people to get by with less, which meant reducing the quantity and/or quality of the food they consumed, trends that have continued into the present.³¹ Women are disproportionately affected by such situations, as they often eat less or do not eat when food is scarce, to ensure that the rest of their family members can eat. In tandem with this has been the further penetration of large distribution channels into both urban and rural spaces, making heavily processed corporate-branded food ever more ubiquitous, and sometimes outcompeting locally produced traditional foods in affordability. Supported by massive communication and advertising, such trends are reshaping diets in favor of industrial/global value chain products. In response,

25 The full name is International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF).

26 On the issue of labor and the right to food, please see the report of the first fact-finding mission of the Global Network for the Right to Food and Nutrition (GNRTFN), conducted in 2015. Available at: www.fian.org/fileadmin/media/publications_2016/Reports_and_guidelines/FFMReport_June_2016.pdf.

27 HLPE. *Social protection for food security. A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security*. Rome: CFS HLPE, 2012. p. 11. Available at: www.fao.org/3/ame422e.pdf.

28 HLPE. *Price volatility food security. A report by the High Level Panel of Experts on Food Security and Nutrition of the Committee on World Food Security*. Rome: CFS HLPE, 2011. Available at: www.fao.org/3/a-mb737e.pdf.

29 Scott-Villiers *et al.*, *supra* note 3, p. 52.

30 For more information on how corporate-based approaches have led to an artificial separation of nutrition and sustainable food systems, please see 2015's issue of the *Right to Food and Nutrition Watch*, "Peoples' Nutrition Is Not a Business." Available at: www.righttofoodandnutrition.org/peoples-nutrition-not-business.

31 Scott-Villiers *et al.*, *supra* note 3.

important bridges have been built within civil society between those working on production and consumption, often across urban-rural divides. Food sovereignty increasingly includes a nutrition focus.

In global policy spaces, as with debates around investment, nutrition remains a contested terrain. While advocates push for adequate nutrition within a broader framework of food system transformation, corporate actors are pushing forward proposals based on ‘nutritionism—understood as “a set of ideas and practices that seek to end hunger not by directly addressing poverty but by prioritizing the delivery of individual molecular components of food to those lacking them”.³² Biofortification³³ via genetic engineering and other ‘nutrition-specific’ approaches are among the hallmarks of this paradigm, championed through initiatives such as the corporate-backed Scaling Up Nutrition (SUN)³⁴ and the G8’s New Alliance, both of which have come under fire by civil society groups as treating nutrition as both a technical issue and profit-making venture.³⁵ Civil society organizations brought these critiques to the Second International Conference on Nutrition (ICN2) in 2014, launching a powerful declaration that, among other things, called for recognition of the CFS as the critical space where policy coherence for food security and nutrition needs to be established. The HLPE will publish a report on nutrition and food systems in the fall of 2017.³⁶

One of the policy interventions that connects fair prices, living wages, social protection, and nutrition with food access are ‘mediated markets’, which are designed to use the power of the market to protect social and ecological welfare.³⁷ An example is public procurement policies that support regional economic development, including prioritizing local sourcing for school feeding programs, in a growing number of countries. In 2010, Brazil amended its constitution to include the right to food and passed a decree extending the reach of the 2006 Food Security Law to directly engage with changing agricultural conditions for the family farm sector. Brazil’s National School Feeding Program (PNAE) provides a daily meal for 45 million students enrolled in public schools. The standards for these meals prioritize traditional and regionally adapted eating preferences, set a mandatory inclusion of fresh fruits and vegetables, and restrict the use of processed foods. Most significantly, 30% of the PNAE budget is now legally directed for purchase of food from the local family farm sector, with priority given to organic or agroecologically-produced foods.³⁸ Amidst the political turbulence facing Brazil at the time of writing, it is hoped that these programs, which have become a global reference, can be preserved.³⁹

STABILIZING FOOD PRICES: INTERNATIONAL MARKET INTEGRATION OR INCREASED DOMESTIC SELF-RELIANCE?

Staple food prices have continued to be volatile and higher than they were before the crisis. People who have experienced food insecurity tend to adjust their behavior to minimize a recurrence of the risk.⁴⁰ High levels of price volatility cause people to divert their income from investments in livelihoods, education and health to protect their access to food. This makes food price stability an important component of food security. The vast majority of countries strive to achieve food price stability through a mix of domestic production and trade, exporting surpluses and importing to make up deficits or to increase consumer choice. The mix of policies varies, with globalization policies encouraging greater integration with international markets

32 Patel, Raj, Rachel Bezner Kerr, Lizzie Shumba and Laifolo Dakishoni. “Cook, eat, man, woman: understanding the New Alliance for Food Security and Nutrition, nutritionism and its alternatives from Malawi”. *The Journal of Peasant Studies* 42(1) (2015): 22.

33 *Supra* note 30.

34 For further information on SUN, please see: www.unsunch.org/en/sun-scaling-up. See also Schuftan, Claudio and Ted Greiner. “The Scaling Up Nutrition (SUN) Initiative.” *Right to Food and Nutrition Watch* (2013): 22–23. Available at: www.righttofoodandnutrition.org/files/Watch_2013_Full_Watch_ENG.pdf#page=22.

35 Schieck Valente, Flavio Luiz. “Towards the Full Realization of the Human Right to Adequate Food and Nutrition”. *Development* 57(2) (2014): 155–170.

36 Prato, Stefano and Nicola Bullard. “Editorial: Re-embedding Nutrition in Society, Nature and Politics”. *Development* 57(2) (2014): 129–134.

37 Wittman, Hannah and Jennifer Blesh. “Food Sovereignty and Fome Zero: Connecting Public Food Procurement Programmes to Sustainable Rural Development in Brazil”. *Journal of Agrarian Change* 10 (1) (2015): 1–32.

38 Sidaner, Emilie, Daniel Balaban, and Luciene Burlandy. “The Brazilian school feeding programme: an example of an integrated programme in support of food and nutrition security.” *Public Health Nutrition* 16(6) (2013): 989–994.

39 For more information on the situation in Brazil, please see the insight box 1.1 “Brazil: ‘Political Malnutrition’ and Disrespect of the Right to Food and Nutrition” below.

40 Maxwell, Simon. “Food security: a post-modern perspective”. *Food Policy* 21(2) (1996): 155–170.

while most governments also remain sensitive to consumer demand for stable food prices, as well as, if to a lesser extent, to producer demands to protect farmgate prices.

Open markets usefully balance supply and demand in a more reactive fashion than fixed prices can, which helps to avoid the larger and less predictable adjustments that government-controlled prices are prone to (as well as the liquidation of stocks on international markets, which can disrupt prices for producers and consumers in other countries). However, without regulation, open markets are not possible: market power tends to concentrate and prices stop reacting as cleanly to supply and demand. Moreover, agricultural production is uneven over the year, and much of it is still unpredictable (reliant on rain, subject to pest infestations, etc.). Thus the forces acting on open markets will periodically result in fast, sharp price changes that have devastating consequences for low-income consumers' ability to access food if they are not mitigated by public interventions. Integration into international markets tends to make such shocks less frequent but also more dramatic. In general, domestic production (especially in low-income countries) varies significantly from year to year, which generates both price volatility and periodic (sometimes chronic) supply shortfalls, which are associated with high food prices. Few countries produce enough sufficiently varied food to consistently supply no more (or less) than their domestic population requires.⁴¹ Yet the food price crisis was a stark reminder that price instability can come from international markets, too, and that aspects of globalization (such as the increased presence of international finance in all aspects of food commodity production) have added new sources of instability.

International markets have grown in importance in supplying staple foods to poorer countries: the Global South moved from net agricultural exporter to importer around 1990 and least developed countries' (LDC) dependence has grown especially fast.⁴² Yet the regulations governing international markets are more stringent for importers than they are for exporters. Many governments of large food exporting countries chose to tax or limit exports for domestic political objectives during the crisis, worsening the effects of the crisis for importing countries and damaging their confidence in international markets.⁴³ Despite the evidence provided during the food price crisis that export taxes and bans need to be regulated—and despite a recommendation from the G-20 that the issue should be addressed—the asymmetry persists.

Governments at the World Trade Organization (WTO) have also clashed over the governance of public food stocks. A number of governments reintroduced public stock policies in the wake of food price crisis.⁴⁴ A group of developing countries, led by the Philippines and Indonesia,⁴⁵ proposed a clarification of WTO rules concerning public stocks, wanting to increase the policy space available to them to develop and implement food stocks policies. India, one of the group, then made its own, stronger proposal, eventually successfully holding up wider trade negotiations at a ministerial conference in Bali in 2013 in a bid to get further concessions on the public food stock issue. For now, a standoff persists, as negotiators have failed to agree upon a permanent solution. As a result, several developing countries have domestic support programs that are at or near their WTO-sanctioned spending limits because the WTO rules rely on price benchmarks set in the 1980s, and because many countries in the Global South have experienced significant inflation in the last 20 years.⁴⁶

41 For more information, please see: Minot, Nicholas. "Food price volatility in Africa: Has it really increased?" *IFPRI Discussion Paper* (2012). Available at: www.ifpri.org/publication/food-price-volatility-africa-has-it-really-increased; Clapp, Jennifer. "Food self-sufficiency: Making sense of it, and when it makes sense". *Food Policy* 66 (2017): 88–96.

42 Clapp, Jennifer. *Trade Liberalization and Food Security*. Geneva: Quaker United Nations Office, 2014. Available at: quno.org/sites/default/files/resources/QUINO_Food%20Security_Clapp.pdf.

43 Sharma, Ramesh. "Food Export Restrictions: Review of the 2007–2010 Experience and Considerations for Disciplining Restrictive Measures". *FAO Commodity and Trade Policy Research Working Paper* No. 32. Rome: FAO, 2011. Available at: www.fao.org/fileadmin/templates/est/PUBLICATIONS/Comm_Working_Papers/EST-WP32.pdf.

44 For more information on the public stockholding of food grains for national food security purposes, please see: Patnaik, Biraj. "Inequity Unlimited: Food on the WTO Table". *Right to Food and Nutrition Watch* (2015): 45–51. Available at: www.righttofoodandnutrition.org/node/40.

45 For more information on the situation in Indonesia, please see insight box 8.1 "An Experience From Indonesia: Trade Agreement Preys on Peasants and Food Sovereignty" in this issue of the *Right to Food and Nutrition Watch*.

46 Galtier, Franck. *Identifying, estimating and correcting the biases in WTO rules on public stocks: a proposal for the post-Bali food security agenda*. University Works, 2015. Available at: hal.archives-ouvertes.fr/hal-01295403/.

One policy initiative set in motion by the food price crisis was the decision by the G20 in 2011 to create the Agricultural Marketing Information System (AMIS). In addition to the G20 countries,⁴⁷ AMIS includes Spain, Egypt, Nigeria, Kazakhstan, Ukraine, Thailand, Vietnam, and the Philippines. AMIS tracks the supplies of wheat, maize, rice and soybeans in these countries (which among them account for over 80% of the world's production and consumption of these four commodities). AMIS includes a Rapid Response Forum, which is intended to provide a peer check on governments that might otherwise resort to export bans or taxes without first considering the effect on their trade partners. In 2011–2012, such bans were largely avoided despite a renewed period of price volatility. AMIS cannot control many of the factors that cause price volatility, nor can it monitor private stocks (such as those held by grain traders). It does not enjoy regulatory powers. But AMIS does embody a practical step by governments to make commodity markets more transparent and creates a forum for peer-to-peer learning among the largest producer and consuming countries.

Another legislative change that was important for food commodity markets, although its impetus lay in the wider financial crisis of 2008, was the U.S. *Dodd-Frank Wall Street Reform and Consumer Protection Act* (2010). The legislation reflected the widely shared political concern that the deregulation of the U.S. financial sector in prior decades had gone too far. The Dodd-Frank legislation was massive in scope and hotly contested: Wall Street banks and grain trading companies' financial subsidiaries all lobbied hard to limit its impact.⁴⁸ Imperfect and unfinished, the legislation nonetheless embodied a public recognition that financial deregulation needed to be curbed.

Consumers suffer but food producers gain when agricultural prices rise, creating potential contradictions for food security policies. It bears noting, however, that small-scale providers are generally net food consumers, meaning they buy food in markets.⁴⁹ This means high and unpredictable prices threaten their food security. Many LDCs are net agriculture exporters (though fewer are net food exporters—agriculture includes non-comestible crops such as cotton). This implies that their national income benefits from higher commodity prices, and indeed many African countries did enjoy higher export income in the wake of the food price crisis. Farm income, too, improved, with some benefits reaching farm workers.⁵⁰ From a right to food and nutrition perspective, the best approach to these contradictions is to support a diversity of strategies. Although imports of food staples are important in many low-income countries with unpredictable domestic production, they make up a relatively small share of the total food supply (around 10%) and they are unlikely to grow much bigger because of the relatively weak purchasing power of the poorest countries. More important for most small-scale producers and low-income consumers is the growth in local and regional markets; urbanization has not just created 'mega-cities' but also thousands of new urban centers across the Global South.⁵¹ As international trade grows in importance, markets more generally, most of them domestic, are growing, too. This growth offers the possibility of creating more direct linkages between rural and urban populations, which can support more reliable income for local food processors, farmers and farm workers, while increasing access to nutritional foods. Governments need to protect this space from the volatility of international markets. For this to happen, rural voices—especially those most often marginalized, including women, small-scale producers, and landless workers—need to be heard in the policy-making process, and commercial activity, both domestic and foreign, needs to be regulated with the interests of the most vulnerable in view.

47 The G20 membership comprises: Argentina, Australia, Brazil, Canada, China, France, Germany, India, Indonesia, Italy, Japan, Mexico, Russian Federation, Saudi Arabia, South Africa, Republic of Korea, Turkey, United Kingdom, United States of America, the European Union, Spain, Egypt, Nigeria, Kazakhstan, Ukraine, Thailand, Vietnam, and Philippines.

48 Murphy, Sophia, David Burch, and Jennifer Clapp. *Cereal Secrets*. Oxford: Oxfam, 2012. Available at: www.oxfam.org/sites/www.oxfam.org/files/rr-cereal-secrets-grain-traders-agriculture-30082012-en.pdf.

49 de Janvry, Alain, and Elisabeth Sadoulet. "The Global Food Crisis and Guatemala: What Crisis and for Whom?". *World Development* 38(9) (2010): 1328–1339.

50 For one example on farm income, please see: Wiggins, Steve, and Sharada Keats. *Rural Wages in Asia*. London: Overseas Development Institute, 2014.

51 Between 2016 and 2050, the number of cities with 500,000 inhabitants or more is expected to grow by 80% in Africa and by 30% in Asia. For more information, please see: United Nations. *The World's Cities in 2016 Data Booklet*. United Nations Economic and Social Affairs, 2016. Available at: www.un.org/en/development/desa/population/publications/pdf/urbanization/the_worlds_cities_in_2016_data_booklet.pdf.

BUILDING STRONGER FOOD SYSTEMS? ACTING NOW TO AVERT FURTHER CRISIS

The food price crisis of 2007–2008 catalyzed a dynamic series of developments over the ensuing decade, some representing a deepening of the very trends that led us into the crisis and others marking an important break.

For members of civil society concerned about the right to food and nutrition, several tasks are clear. First, we must maintain the momentum for change, continuing to bring these issues into policy spaces with the level of urgency they require, demanding support from governments at the same time as we work to scale outward and upward the alternatives that are being built on the ground. We must defend and deepen the progressive political gains that have been made, from the Tenure Guidelines in the CFS to right to food policies in Brazil and elsewhere. And at the same time, we must push for more, despite the increasingly challenging political climate and a marked loss of interest in food security from government leaders. Now exposed, the cracks in the food system will only widen. The list of challenges is long and complex, from climate change, to biodiversity loss, freshwater pollution, soil exhaustion, and price volatility.

Second, we must work simultaneously on multiple tracks, for immediate and longer-term solutions. The 2007–2008 crisis exposed the vulnerability of the global food system to food price volatility—and the lack of protective mechanisms at the national and local levels to protect people, particularly the most vulnerable. The effects are still being felt. As Scott-Villiers *et al.* emphasize, “When food prices eventually stabilized between 2012 and 2014—in most countries at a higher level—adjustments to eating, care and work did not go back to the status quo ante, even though people might have originally seen the changes they made as temporary measures”.⁵² Note, lower food prices are not in and of themselves an objective. Lower prices do not automatically translate over into increased food access. Moreover, decades of low prices prior to the food price crisis are in part to blame for driving so many food providers into poverty, leaving them vulnerable to the price spikes when they came. Rather than simply lower prices for poor consumers, the objective should be *stable and fair prices*, with protective mechanisms for both producers and consumers.

Of course, the challenges of realizing the right to food and nutrition go far beyond prices to questions of sustainability and justice. To have the wherewithal to feed ourselves into the future, we urgently need to build up resilient local and regional food systems and address the extreme concentrations of power in national and international markets. In doing so, the central role and rights of small-scale providers and of women must be guaranteed. The food price crisis of 2007–2008 was an awakening. A decade on, with some powerful examples of food system transformation already at work, as well as some gains on various policy levels, there are still old habits to confront and many obstacles to overcome. The food sovereignty movement is ready for the challenge.

⁵² Scott-Villiers *et al.*, *supra* note 3, p. 43.

INSIGHT 1.1 Brazil: 'Political Malnutrition' and Disrespect of the Right to Food and Nutrition

Sérgio Sauer⁵³

During the past 13 years, Brazil was moving forward in the recognition and consolidation of the human right to adequate food and nutrition. From the re constitution of the National Food and Nutrition Security Council (CONSEA) and the inclusion of the right to food in the Federal Constitution, to the organization of the National System for Food and Nutrition Security (SISAN), governmental initiatives to combat hunger and malnutrition were becoming institutionalized and improved.

Despite all the difficulties, problems and criticisms, the right to food and nutrition became a reality for the poorest part of the population, mainly due to the implementation of the *Bolsa Família* (a cash transfer program) and other associated programs. There was (and still is) much that needs to be done in addition to combating hunger, especially in terms of strengthening and guaranteeing other rights such as access to land and health (rights that are often neglected), amongst others. However, there was a sense that the basic difficulties were 'a thing of the past', a hope that now disappears into thin air.

The recent 'judicialization' process of Brazilian politics (with the role of the Brazilian Judiciary transitioning from being arbitrator of litigation, to the final arena, where political issues are decided) is transforming corruption into a tool for exercising power. This causes 'political malnutrition' (understood as being the lack of energy and substance necessary for life), which will lead to the destruction of policies and the death of ethics. Figures of speech aside, the 2016 'legislative-judicial-media coup' placed neoliberal political groups and people in power who totally opposed the implementation of social policies because they ignore the importance, including economic, of governmental social welfare programs.

Resorting to narratives of economic crisis and the consequent need to cut and/or improve the quality of public expenditure, the government of Michel Temer announced—whilst the impeachment process of President Dilma Rousseff was still underway—an amendment to the decree that regulates the rules of access to and permanence of the *Bolsa Família*.⁵⁴ According to the mainstream press, a sector of the media that clearly favors the government, the objective was to increase the supervision of this benefit. However, these measures aim, in practice, to make it difficult to access the *Bolsa Família*. The use of stricter rules and supervision shows the lack of willingness to tolerate programs of this type, serving as mechanisms to reduce spending in the name of a supposed 'fight against corruption'.

Currently, approximately 50 million people (13.9 million families)⁵⁵ are covered by the *Bolsa Família*, with this program being their main source of income and the only guarantee they have of access to minimum food requirements. In November 2016, the first changes (greater supervision and revision of access rules) resulted in the suppression or interruption of the payment of benefits to about 1.1 million families. Of this total, 654,000 saw their benefits interrupted until they submitted proof of the need to continue to be covered by the program and another 469,000 left the program as they had incomes of R\$ 440 (US \$132) per capita. This represented an 8% cut in the number of families enrolled in the *Bolsa Família*.⁵⁶ These numbers are far higher than the cases of subversion of the program's aims found in previous inspections, revealing that increased control is actually an increase in intolerance.

53 Sérgio Sauer is professor at the University of Brasília and former National Rapporteur for Human Rights in Land, Territory and Food (2010-2014) of Platform DhESCA Brazil. Special thanks to Valéria Burity, Lucas Prates (FIAN Brazil) and Karine Peschard (Graduate Institute of International and Development Studies) for their support in reviewing this insight box.

54 Decree no. 8794, June 29, 2016. Available at: www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/decreto/D8794.htm.

55 For more information on the official data on *Bolsa Família*, please see: aplicacoes.mds.gov.br/saqi/RIv3/geral/index.php?relatorio=153&file=entrada#.

56 "Temer corta Bolsa Família de 1,1 milhão, atingindo quem vive com R\$ 440 per capita". GGN, November 7, 2016. Available in Portuguese at: jornalggn.com.br/noticia/temer-corta-bolsa-familia-de-11-milhao-atingindoquem-vive-com-r-440-per-capita.

Although the mainstream media—fully aligned with the current neo-liberal practices—argue that the main changes are related to readjustments in amounts and to the extension of the benefit to those who obtain formal employment, the exclusion of thousands of families is actually an expression of the ‘malnutrition’ of the *Bolsa Família* itself. The government announced that these measures would encourage people to work and therefore reduce the number of families assisted by the program.

In conclusion, alleged incentives to work (in a recessionary economy) and greater rigidity in the supervision (based on the ‘anti-corruption’ argument) increase the risks of the exhaustion of the constitutional right to food. Recognized as a fundamental human right in Article 6 of the Constitution of the Republic of Brazil since 2009,⁵⁷ there is a risk that a constitutional right, like many others including the right to land, will be ‘malnourished’ in its effectiveness.

57 Chamber of Deputies of Brazil. *Constitution of the Federative Republic of Brazil* (1988). Available at: english.tse.jus.br/arquivos/federal-constitution.

ECHOES FROM BELOW: PEOPLES' SOCIAL STRUGGLES AS AN ANTIDOTE TO A 'HUMAN RIGHTS CRISIS'

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“To question the imposition of an economic model based on the commodification of the very basic element of our existence is to structurally tackle this human rights crisis. Otherwise, food and consequently all means necessary to produce it, i.e. labor, women workforce, land, water, seeds, forests and other natural resources, remain as mere luxury goods; and the right to food a philanthropic discourse.”

The recent 2007/2008 global financial crisis shook the world up and generated perfidious results in peoples' lives around the world. Austerity measures are already known and applied in many parts of the world and they are increasingly becoming part of the official discourses of states and international finance agencies. These measures often deny social rights and in turn are detrimental to the poor. Technocratic solutions are often applied, which favor the instigators of the crisis: the banks and international financial institutions; the global elite; and powerful corporations. This system has encouraged continuous processes of criminalization of peoples' struggles, the rise of fascism and the strengthening of undemocratic authoritarian regimes worldwide.¹

Acknowledgements

Special thanks to Lucas Prates (FIAN Brazil), Sofia Monsalve Suárez, Alejandra M. del Rey (FIAN International), Antonio Onorati (Centro Internazionale Crocevia) and Bernhard Walter (Bread for the World – Protestant Development Service) for their support in reviewing this article.

Photo

Indignados take to the streets against austerity measures (Barcelona, Spain, 2011). Photo by Ramon Fornell.

- 1 For more information on how these threats have been continuously expanding around the world, please see: Transnational Institute (TNI). On “shrinking space”: a framing paper. Amsterdam: TNI, 2017. Available at: www.tni.org/en/publication/on-shrinking-space.
- 2 Brecht, Bertolt and Kurt Weill. *Die Dreigroschenoper*. Vienna: Universal-Edition, 1928.
- 3 For an analysis on the right to food during emergency situations, please see the article “Is the Right to Food and Nutrition in Emergencies on the Right Path?” in this issue of the *Right to Food and Nutrition Watch*.

NAMING THE CRISIS

‘Crisis’ is a term repeatedly used by governments, social movements, academics, and others to describe the state of international and national political and economic affairs. This rhetoric often points to the aggravation of a ‘human rights crisis’. However, if we consider crisis as a means to not only convey a drastic problem, but as the arrival of a perceived turning point in which new solutions must be sought, a fundamental question should be asked: What is this ‘crisis’ about, and how do we find our way out?

Framed as a critique of how double standards are practiced by the elites, those in influential political and economic position often seek to justify exploitation. The German dramatist Bertolt Brecht asserted: “Food is the first thing. Morals follow on.”² The aftermath of the aforementioned 2007/2008 global financial crisis, illustrates the outcome of unjust and marginalized food systems that since decades build on profit over people. These elitist systems mirror the on-going economic and socio-political crisis. They are inherent to a capitalist economy and are directly connected to the way that the world’s food has been produced, traded, and [exclusively] distributed. This whole scenario has also been aggravated by a political and humanitarian crisis,³ triggered by right-wing international policies and neoliberal modes of production.

Based on this, some initial assessments can be made to outline the current state of affairs of the human rights portrayed in this article:

- People have been systematically deprived of their human rights. The example of the growing commodification of nature, life and our food systems⁴ engenders a state of systematic violation of human rights and increasing inequality, preventing people the effective enjoyment of their rights. Food production has been increasingly concentrated in the hands of

- 4 For example Oxfam's campaign "Behind the Brands" that monitors the impact of the big food and beverage corporations on our food systems. For more information, please visit: www.oxfam.org/en/tags/behind-brands. See also: Schieck Valente, Flavio Luiz. "The Corporate Capture of Food and Nutrition Governance: A Threat to Human Rights and Peoples' Sovereignty". *Right to Food and Nutrition Watch* (2015): 15-20. Available at: www.righttofoodandnutrition.org/node/25; Leys, Colin and Barbara Harris-White. "Commodification: the essence of our time". *Open Democracy UK*, April 2, 2012. Available at: www.opendemocracy.net/ourkingdom/colin-leysbarbara-harris-white/commodification-essence-of-our-time.
- 5 For more information on the concentration of power and monopolization of technologies in agriculture, please see the article "The Three Agribusiness Mega-Mergers: Grim Reapers of Farmers' Sovereignty" in this issue of the *Right to Food and Nutrition Watch*.
- 6 For more information on climate destruction, please see the article "Faced with Climate Crisis, Look to Peoples' Solutions" in this issue of the *Right to Food and Nutrition Watch*.
- 7 For more information on the humanitarian crisis in Yemen, please see insight box 9.2 "Collective Violation: Yemen and the Right to Food" in this issue of the *Right to Food and Nutrition Watch*.
- 8 Zumach, Andreas. "UNO warnt vor Hungertod von 20 Millionen Menschen". *Infosperber*, March 13, 2017. Available in German at: www.infosperber.ch/Artikel/Politik/UNO-warnt-vor-Hungertod-von-20-Millionen-Menschen.
- 9 For a critical analysis on climate change, please see: Global Convergence of Land and Water Struggles, TNI and Hands on the Land. *Cooling the Planet: Frontline Communities lead the struggle—Voices from the Global Convergence of Land and Water Struggles*. Amsterdam: TNI, 2016. Available at: handsontheland.net/wp-content/uploads/2016/11/Cooling_the_Planet-EN.pdf.
- 10 For more information, please see: Adams, Barbara and Jens Martens. *Fit for whose purpose? Private funding and corporate influence in the United Nations*. Bonn and New York: Global Policy Forum, 2015. Available at: www.globalpolicy.org/images/pdfs/images/pdfs/Fit_for_whose_purpose_online.pdf. A 'partnership' between UN Human Rights Council and the big software corporation Microsoft was announced in May 2017. For more information, please see: "Technology for human rights: UN Human Rights Office announces landmark partnership with Microsoft". *OHCHR*, May 16, 2017. Available at: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21620&LangID=E.
- 11 Many pension funds of so-called developed countries are used to fund projects such as land grabbing etc. that have severe impacts on local communities and on entire countries that are already affected by unjust structural social systems.

transnational corporations (TNCs) involved in the agribusiness and food sector.⁵ This has also led to their unprecedented concentration of economic and political power, and direct political intervention in the elaboration of food policies at a national and international level, disregarding peoples' needs and their rights;

- The commodification of food production and profit-oriented agriculture contribute to the 'moralization' of human rights. 'Moral' slogans (e.g. 'producing more food', 'eradicating hunger' and 'bringing development to poor regions'), which are used to justify market concentration, have aggravated the scenario of hunger, poverty and social exclusion across the world. Not only does this logic weaken the role of states and public institutions as democratic spaces where people demand their rights, but also, it defends a system that destroys local livelihoods. It hinders peoples' access to and control over natural resources, which are indispensable for food production, and contributes to the erosion of nature's biodiversity;
- Climate destruction continues at full speed.⁶ Despite the fact that severe food crises keep happening, such as those in Yemen,⁷ South Sudan or Ethiopia,⁸ no legal consequence nor any joint solutions have been met by states;⁹
- States are either not committed, or only partially, to meeting their international human rights obligations. The funding of many international human rights and humanitarian institutions, which—even with many deficiencies have contributed to the enforcement of rights, has been systematically reduced by states and, in many cases, taken over by TNCs and other private actors, such as philanthropic organizations.¹⁰ This tendency reflects an erroneous pattern of financing public spaces with resources that protect private interests, ultimately hijacking people's rights.

In brief, all of these present the architecture of how peoples' human rights, and specifically the human right to adequate food and nutrition, have been subjugated to the interests of powerful industries within the food and agriculture sectors—in line with the economic interests of a few so-called developed states and of financial and investment institutions.¹¹

The commodification of food systems has often resulted in the right to food and nutrition being equated to a 'moral' rhetoric used to defend private interests and profit-oriented goals. This is seen throughout corporate social responsibility policies, and the increase of 'multistakeholder' platforms and artificial democratic wordiness that puts human beings and corporations on the same footing, thereby opening the door to private sector-centered approaches, especially public-private-partnerships.¹² The outcome is the detachment of human rights from peoples' reality, weakening their political strength and content as a historical conquest of peoples' struggles. In reality, human rights are turned into a moral obligation of charity, i.e. something that is dependent on the goodwill of but a few.¹³

Whether human rights are depoliticized by the discourse of TNCs with the connivance of states, or deployed as an instrument of denunciation and resistance, it remains clear that they are at the very core of this prolonged 'crisis'—very well-known in the so-called "developing" countries. The following paragraphs provide an insight into how and why the right to food and nutrition has become central to this ideological battle.

- 12 For instance, the European Court of Human Rights interprets the European Human Rights Convention extending human rights to corporations. For more information, please see: Künnemann, Rolf. *Human Rights for People's Sovereignty: How to Govern over Transnational Corporations*. Heidelberg: FIAN International, 2016. p. 10–11. Available at: www.fian.org/en/news/article/human_rights_for_peoples_sovereignty; Rezai, Sam and Winfried van den Muijsenbergh. "Corporations and the European Convention on Human Rights". *Global Business & Development Law Journal* 25 (2012): 43–68. Available at: www.mcgeorge.edu/Documents/Conferences/GlobeJune2012/Corporationsandthe.pdf.
- 13 For more information on how human rights have been turned into a 'moral' discourse, please see: Künnemann, *supra* note 12.
- 14 For more information on the dynamics of the current pattern of political and economic power concentration, please see: Gleckman, Harris. "When elephants fight, the grassroots get hurt". *Open Democracy*, March 15, 2017. Available at: www.opendemocracy.net/harris-gleckman/when-elephants-fight-grassroots-get-hurt#_edn2.
- 15 For more information, please see the insight box "Time for a Change in European Land Governance!" in this issue of the *Right to Food and Nutrition Watch*; see also 2010's issue of the *Right to Food and Nutrition Watch*, "Land grabbing and nutrition: Challenges for global governance". Available at: www.righttofoodandnutrition.org/land-grabbing-and-nutrition-challenges-global-governance.
- 16 Franco, Jennifer et al. *The Global Ocean Grab: A Primer*. Amsterdam: TNI, 2014. Available at: www.tni.org/en/publication/the-global-ocean-grab-a-primer; Nyéléni. "Oceans and Inland Fisheries." Newsletter (31), September 2017. Available at: nyeleni.org/spip.php?page=NWedition.en&id_rubrique=80; Barbesgaard, Mads. "Privatization and Corporate Capture of Global Fisheries Policy". *Right to Food and Nutrition Watch* (2016): 34–37. Available at: www.righttofoodandnutrition.org/%07privatization-and-corporate-capture-global-fisheriespolicy.
- 17 "Investing in forests: Where money grows on trees". *The Economist*, May 28, 2015. Available at: www.economist.com/news/britain/21652355-wealthy-investors-are-branching-out-evergreen-new-asset-classwhere-money-grows-trees; Torre, Luisa and Patrik C. Macao. "Brazil's quilombos face eucalyptus giant in land war". *Aljazeera*, January 5, 2017. Available at: www.aljazeera.com/indepth/features/2016/11/brazil-quilombosface-eucalyptus-giant-land-war-161123122742103.html.
- 18 For more information, please see: GRAIN. *The Global Farmland Grab in 2016: How Big, How Bad?* Barcelona: GRAIN, 2016. Available at: www.grain.org/article/entries/5492-the-global-farmland-grab-in-2016-how-big-howbad; Rundall, Patti. "The 'Business of Malnutrition': The Perfect Public Relations Cover for Big Food". *Right to Food and Nutrition Watch*, (2015): 23–27. Available at: www.righttofoodandnutrition.org/node/31.
- 19 For more information on how fast the process of digitalization of agriculture is advancing, see the example of the agribusiness multinational John Deere. For more information, please visit: www.deere.com/en/technologyproducts/precision-ag-technology.

THE RIGHT TO FOOD AT THE HEART OF THE HUMAN RIGHTS 'CRISIS'

The finance and food crisis of 2007/2008 presented an unprecedented pattern of global power concentration,¹⁴ which is reflected in the uncontrolled expansion of agribusiness and corporate profit-oriented fisheries and forestry. The examples of land¹⁵ and ocean-grabbing,¹⁶ and timber production¹⁷ around the world, fronted by international projects 'combatting hunger' through the medicalization of nutrition¹⁸ are numerous. At the same time, a wave of commodification and digitalization of agriculture¹⁹ has been taking over the process of food production, engendering severe impacts on peasants', fishers', pastoralists' and indigenous peoples' communities, and threatening their subsistence.²⁰

The predominant socio-economic model is responsible for the deterioration of the livelihoods of local communities of small-scale food producers, in particular in rural areas, those populations that are dependent on local and regional food production. This monolithic model is based upon a large-scale and mechanized food production system, which is responsible for the destruction of the environment, leading to the degradation of the soil, the overuse of agrochemicals, intense deforestation and contamination of water resources. Furthermore, monocultures have a huge impact on both animal and plant biodiversity, and are responsible for reducing and exterminating the variety of seeds, fish seeds and forest plants. It also hinders peasants', fishers', pastoralists' and indigenous peoples' access to these natural resources, on the premise of unjust patents and regulations systems.²¹

As a result of this profit-oriented economic model, women remain one of the most marginalized and affected groups due the particular role that they have been assigned to in society. Women in rural areas are particularly worse off. In addition to taking care of common household chores, they are often heavily involved in pre- and post-harvesting activities that remain unpaid and invisible. "Reproduction precedes social reproduction. Touch the women, touch the rock"²² is a line often quoted by the feminist activist Silvia Federici to refer to the specific form of oppression suffered by women as the reproducers of labor-power. They are the central source of value that sustains the food production line, yet they remain unrecognized.

Overall, we are witnessing a fast-track process of how so-called 'highly developed' agricultural tools and inputs are turning agroecological methods into commodities. Traditional methods that have sustained our existence and reproduction for generations are now being used to generate profit for big agribusiness corporations.²³ It is these issues that are at the center of the human rights crisis that we are currently experiencing.

There is a battle between the two food systems paradigms,²⁴ food sovereignty versus highly capitalized investment model. This battle represents the current ideological and political battle that our global societies are facing. Therefore, to question the imposition of an economic model based on the commodification of the very basic element of our existence is to structurally tackle this human rights crisis. Otherwise, food and consequently all means necessary to produce it, i.e. labor, women workforce, land, water, seeds, forests and other natural resources, remain as mere luxury goods; and the right to food a philanthropic discourse.

Such an ideological stance has led states, in cooperation with international finance institutions and with the participation of the private sector, to focus on mitigation tactics that ignore the real causes of the crisis, and which ultimately add to its aggravation.²⁵ The current state of affairs constitutes sufficient proof that so

- 20 For more information on the debates regarding the negative impacts of the profit-oriented digitalization of agriculture, please see: Grefe, Christiane. "The Digitalization of Farming". 2030 – *Welt ohne Hunger*, January 19, 2017. Available at: www.weltoehnehunger.org/articles/the-digitalization-of-farming.html.
- 21 For more information on how such systems negatively impact, for instance, peasants' access to seeds, please see: Peschard, Karine. "Farmer's Rights to Seeds: Conflicts in International Legal Regimes". *Right to Food and Nutrition Watch* (2016): 22–23. Available at: www.righttofoodandnutrition.org/seeds-and-agricultural-biodiversity.
- 22 Linebaugh, Peter. *The Magna Carta Manifesto: Liberty and Commons for All*. Berkeley: University of California Press, 2008.
- 23 For more information on how social movements are exposing such processes of commodification of our food, please see the article "Building New Agrifood Systems: Struggles and Challenges" in this issue of the *Right to Food and Nutrition Watch*.
- 24 To follow this debate, please see the article "Ten Years After the World Food Crisis: Taking Up the Challenge of the Right to Food" in this issue of the *Right to Food and Nutrition Watch*.
- 25 Austerity measures, already applied in many countries in Latin America, Africa and Southeast Asia, have more recently gained terrain in many European countries, such as Spain, Greece and Portugal, directly impacting the right to food of people. See, for example: Fargas Fusa, Laia. "The Impact of Austerity Measures on the Right to Adequate Food in Spain". *Right to Food and Nutrition Watch* (2015): 77–78. Available at: www.righttofoodandnutrition.org/node/48. See also the insight box 1.1 "Brazil: 'Political Malnutrition' and Disrespect of the Right to Food and Nutrition" in this issue of the *Right to Food and Nutrition Watch*.
- 26 Such as the UN, Inter-American, European and African Human Rights systems.
- 27 For more information on the concept of (neo-)colonialism, Global North and Global South, please see: Hollington, Andrea *et al.*, "Concepts of the Global South". *Voices from around the world 01* (2015). Available at: gssc.uni-koeln.de/node/451.
- 28 The example of the underfunding of the Inter-American systems of protection of human rights is a paradigmatic example on how the lack of funding of such systems threatens the protection of human rights worldwide. For more information, please see: FIAN International. "Weakening of human rights standards requires urgent action". *FIAN International*, December 12, 2016. Available at: www.fian.org/en/news/article/weakening_of_human_rights_standards_requires_urgent_action/.
- 29 *Supra* note 10.

far solutions have not been enough to tackle the critical reality under which the majority of the world's population is immersed.

Therefore, after naming the crisis, it is crucial to recall the second question posed at the beginning of this article: How do we find our way out? If our ears are open enough to listen to 'the echoes from below', there will be no doubt, that it is the people, organized and mobilized, who should guide the solutions to the situation that affects their very own survival. Thus, with no pretense of being exhaustive, the next section sheds light on how human rights institutions can be a tool (or not?) in people's struggles against such a 'crisis'.

HUMAN RIGHTS IN CRISIS OR HUMAN RIGHTS AS AN ANTIDOTE TO THE 'CRISIS'?

History shows that one way to pursue change is to occupy the street and the institutions. The existing human rights system²⁶ faces many limitations. However, it contains relevant political spaces that can be occupied by social movements and civil society organizations (CSOs), who can guide political processes that provide the opportunity to determine institutional agendas, i.e. those addressed by human rights accountability, ensuring their link to peoples' needs and demands.

The main challenge ahead is still centered on how such structures are able to boost radical changes towards the eradication of poverty and the dismantling of structural inequalities, not only at the national level (attacking class stratification), but also at the global level. The aim is to denounce the severe social injustice between the so-called Global South and Global North as a neo-colonial approach.²⁷

'Multistakeholderism' practices in these spaces, underfunding²⁸ and reduced policy engagement by member states can be viewed as poisoning tactics against the people. Nonetheless, as a tool belonging to and being applied by the people, human rights can contribute to an antidote to combat such a poison. This work can counter the growth of the private sector in the international political arena—now also serving as funding sources to UN organs such as the Human Rights Council (HRC) and the Committee on World Food Security (CFS)²⁹—and serve as a tool to demand that states meet their human rights obligations.

Despite being a highly politicized body incapable of dealing with some of the most pressing human rights issues in the world, the HRC has nevertheless demonstrated its capacity to serve as a space for social movements to reclaim their human rights. The process (initiated in 2014) towards a UN legally binding instrument on transnational corporations and other business enterprises with respect to human rights illustrates how grassroots' struggles to fight corporate impunity can make it to international fora like the HRC. It shows, more importantly, how bringing the voices and realities confronting human rights abuses from corporations has served to reframe discussions at the Council. It highlights how these discussions provide momentum to move away from simply 'voluntary guidelines' towards a 'binding law' approach where the human rights obligation of states to regulate transnational corporations do not merely depend on goodwill.

Through this process the HRC and other human rights institutions have been a catalyst and convergent space for social movements, campaign groups, networks and organizations working in different areas. The Treaty Alliance, which comprises over 1,000 supporters around the world, is calling for a treaty

on transnational corporations, other business enterprises and human rights. It exemplifies how this has been a place for active reflections and discussion on the relation between human rights and peoples' struggles for social justice.

The process before the UN on a Declaration on the Rights of Peasants and Other People Working in Rural Areas is also an example of how to bring about the reality of the rural peoples to the international human rights arena. By recognizing rural communities as collective legal subjects of human rights and introducing rights to land, seeds, food and water as human rights, this space has presented an opportunity to reconceptualize fundamental notions of human rights that have been traditionally restrained to the individual. It also questions the limitations of restrictive interpretations in the human rights doctrine that put so-called 'first generation' rights (political and civil) above economic, social and cultural rights.

On the other hand, the CFS, after the 2009 reform process, has been an important space for social movements and CSOs to organize and strategize on key issues for the right to food and food sovereignty. Progressive policy making on issues such as tenure,³⁰ water, markets,³¹ protracted crisis,³² and climate change,³³ among others have been at the center of the agenda as the result of social movements' and CSOs' active participation and involvement in such processes.

However, the space is now threatened given the underfunding and reduced policy engagement by member states, and the weakening of policy commitments. References to the right to food and nutrition and human rights in the context of CFS' normative work are constantly being challenged. This, in turn, also challenges the core elements of the reform process such as the weakening of its operative capacity, the erosion of CFS rules, increasing 'multistakeholderism' and cooptation of policy spaces by the corporate sector. Nevertheless, CSOs remain committed to maintaining this space and the institutional struggles that are necessary to ensure that the people, groups and communities most affected by right to food and nutrition violations remain at the center of policy making processes, implementation and monitoring.

RADICALIZING THE CRISIS

How to counter injustice is a question that has been philosophized throughout history. The very origin of human rights is deeply intertwined with historical, socio-political and economic clashes. As people continue to be disenfranchised from their dignity and human rights—especially in times of the erosion of their legal force by the growing power of TNCs, one important question remains: What role can human rights legal frameworks and institutions play in order to support the communities most affected by exploitation and dispossession, and reinforce accountability of states in this respect? Keeping such historical facts in mind, we can assert that their role in the struggle for emancipation (our way out of the 'crisis') is that of comprehending and fighting back, otherwise known as 'radicalization'. For a better understanding of how human rights can act out this crucial role in 'radicalizing' the crisis, we have listed below five final thoughts on the path ahead.

First, this radicalization entails rethinking the implementation, conceptualization and advocacy for the realization of human rights throughout the entire spectrum of the actors involved. For those of us outside the government and working with or on behalf of 'human rights institutions and organizations', it

³⁰ For an example on the Tenure Guidelines, please see: Strapazzón, Ángel. "Towards an Assessment of the Implementation of the Guidelines on Tenure of Land, Fisheries and Forests: A Tool for Social Movements' Struggles". *Right to Food and Nutrition Watch* (2016): 29–31. Available at: www.righttofoodandnutrition.org/towards-assessment-implementation-guidelines-tenure-land-fisheries-and-forests.

³¹ For more information on current discussions concerning peoples' markets at the CFS, please see: Goita, Mamadou, Nora McKeon and Nadjirou Sall. "Peoples' Markets or Corporate Supply Systems? Negotiating in the Committee on World Food Security". *Right to Food and Nutrition Watch* (2016): 41–43. Available at: www.righttofoodandnutrition.org/territorial-food-systems.

³² For an example, please see: Al Jaajaa, Mariam and Emily Mattheisen. "Food Insecurity in Protracted Areas: Examining the Gaza Strip". *Right to Food and Nutrition Watch* (2014): 71–73. Available at: www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2014_eng.pdf#page=71.

³³ *Supra* note 9.

means reflecting on our work and asking ourselves whether we are prioritizing dialogues with social movements and other CSOs. This will allow us to think about how this exchange and cooperation can bring us closer to achieving crucial changes in line with the model jointly envisioned by these actors.

Second, we need to politicize issues that have been perceived as unchangeable and disaffected by political and economic decisions. In this sense, it is urgent to politicize the *current state of affairs of the human rights framework* (as presented above), making visible the ‘naturalized’ process of commodification and how this process directly generates human rights violations. It also means strategizing and resisting together with social movements, CSOs, academics and human rights practitioners: In this way a collective effort can be harnessed to debunk and counter the multifold crisis of today.

Third, social struggles should define the agenda of the international human rights fora (and not the other way round). The aim is to strengthen local and national struggles for social justice, rather than being consumed by the over-bureaucratic machinery.

Fourth, let us recall the value underlying the different political processes. Actions at the international level should serve as political exercises that allow us to collectively rethink some of the very basic notions on human rights, as well as an inter-regional exchange of experiences on resistance and solidarity.³⁴

Finally, it is fundamental that we recognize the limitations of the system that we are living in, and thus put our efforts into developing the tools that match the advocacy space created in the street to the advocacy claimed inside of the institutions. Achievements by the movements in this respect can ultimately promote the foundations of new socio-political and economic systems that fulfill human rights and overcome injustice.

After all, human rights should be perceived in a consistent way with an emancipatory project based on peoples’ social struggles for a model of society in which the people, and not profitmaking corporations, are the ones determining our future.

³⁴ For more information on the common struggles of social movements in Africa, please see: Koné, Massa and Chantal Jacovetti. “The Global Convergence of Land and Water Struggles in West Africa: Building a Strong and United People”, *Right to Food and Nutrition Watch* (2016): 52–54. Available at: www.righttofoodandnutrition.org/global-convergence-land-and-water-struggles-west-africa.

03

FROM A MARKET APPROACH TO THE CENTRALITY OF LIFE: AN URGENT CHANGE FOR WOMEN

*Marta Rivera and
Isabel Álvarez*

LES FEMMES DE LA FENAGIE
PECHE. DERRIERE LE CNCR
POUR UN ACCES
DES FEMMES AUX
RESSOURCES

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“The prevailing model has no interest in recognizing the reproductive role that subsistence agriculture—traditionally carried out by women—plays in feeding those people that global statistics categorize as poor. If women’s historical labor were to be valued, capitalism and its calculating nature would be shattered.”

The following words could come straight out of a document published by an official UN body, or even out of a marketing campaign of some private sector corporation: “the importance of women”, “especially for women and the most marginalized”, “primarily for women of reproductive age and girls”, “women must have access to productive resources”... Nobody dares to deny the importance of women for achieving a world without hunger. And yet, something must be wrong, because year on year, decade after decade, women continue to be marginalized and left by the wayside.

Women are the pillars of the food system, both in their role as peasants and guardians of seed and knowledge,¹ and in their role as carers, stemming from the patriarchal vision of the sexual division of labor. Historically, in agriculture, the sexual division of labor takes its shape in the fields of production, processing, food conservation and preparation, all of which have traditionally fallen on women. Indeed, women feed the world, not only in their role as peasant producers of food, but also because they are the ones who hold the knowledge for conserving, processing and preparing food. Nevertheless, there is a paradox here—whilst they are the producers, women and girls are often the ones who suffer the most from hunger. This is, in itself, a clear violation of their rights as women and as human beings. Hunger wears the face of a peasant, but also of a woman.

How can we rigorously explain this phenomenon? There are many elements in play, both politically and culturally. But what remains clear is that women’s work has been rendered invisible and is devalued by the capitalist economy, which dismissively labels it as ‘subsistence agriculture’, and this is key. The hetero-patriarchal system, which only values large-scale productive activities that are carried out in the public sphere, scorns and dismisses all other ventures, yet these are the ones that really sustain people, and indeed the system as a whole. The prevailing model has no interest in recognizing the reproductive role that subsistence agriculture—traditionally carried out by women—plays in feeding those people that global statistics categorize as poor. If women’s historical labor were to be valued, capitalism and its calculating nature would be shattered.

Most proposals by international organizations aim for development policies that encourage women to abandon so-called subsistence agriculture, which has been denigrated by capitalism because it remains in the family domain and thus not at a scale considered appropriate within the productive sphere. Women are expected to produce for the only recognized market and integrate into a global, capitalist agriculture, which in theory is the one that will bring them out from hunger and poverty. Meanwhile, as experience shows, women, not only are not breaking free from this sexual division of labor, but also carry a double burden: to produce for the market and to feed their families. This demonstrates that working with women is slowly (very slowly) but surely being included at the policy-making level and as such,

Acknowledgements

Special thanks to Sandra Moreno Cadena (La Via Campesina Europa) and Denisse Córdova (FIAN International) for their support in reviewing this article.

Photo

Women demanding access to land during West African Caravan for Land, Water and Seeds (Dakar, Sénégal, 2016). Photo by Geoff Arbourne.

1 For more information on the role of women as guardians of seed in Africa, please see: Pschorn-Strauss, Elfrieda. “African Food Sovereignty: Valuing Women and the Seed They Keep”. *Right to Food and Nutrition Watch* (2016): 49–51. Available at: www.righttofoodandnutrition.org/african-food-sovereignty.

- 2 Many states have reacted to the penultimate draft of the declaration and all references to gender discrimination have been deleted. Additionally, article 4 on the rights of peasant women and other women working in rural areas has suffered cuts, especially in terms of recognizing multiple forms of violence, the intersectionality of discrimination, the right to make decisions over their body and reproductive rights.
- 3 Committee on World Food Security. Making a Difference in Food Security and Nutrition. CFS Forty-third Session Report. Rome: FAO, 2016. Available at: www.fao.org/3/a-ms023e.pdf.
- 4 For more information on the relationship between nutrition and women's rights, please see: Córdova Montes, Denisse and Flavio L. S. Valente. "Interdependent and Indivisible: The Right to Adequate Food and Nutrition and Women's Sexual and Reproductive Rights." Right to Food and Nutrition Watch (2014): 32–33. Available at: www.righttofoodandnutrition.org/ten-years-right-food-guidelines-gains-concerns-and-struggles.
- 5 "We women have less land, of worst quality, and the land tenure is often insecure". Interview with Sandra Moreno Cadena (La Via Campesina). In the same sense, according to the FAO, in Bangladesh women only own 10% of land, and in Nigeria only 4% of women can take decisions on the sale of land, compared to 87% of men. FAO. Gender and Land Statistics. Recent developments in FAO's Gender and Land Rights Database. FAO: Rome, 2015.
- 6 If women had the same access to land as men, the number of hungry people in the world would be reduced by 150 million. FAO. *The State of Food Insecurity in the World 2010–2011*. FAO: Rome, 2011.
- 7 For example, in Guinea (West Africa), women are responsible for almost 80% of the country's food production, but only a small percentage owns land and they do not have the right to inherit land. For more information, please see insight box 3.1 "Stories of Resistance: Women's Struggles for Food Sovereignty in Africa" below.
- 8 Rocés, Irene García, Marta Soler Montiel and Assumpta Sabuco i Cantó. "El trabajo de las mujeres Campesinas en proyectos agroecológicos en el asentamiento Moreno Maia en la Amazonia Brasileña." *Género, agroecología y Soberanía Alimentaria*. Spain: Icaria, 2014. pp. 165–194.
- 9 Soler, Carles and Fernando Fernández. "Estructura de la propiedad de tierras en España. Concentración y acaparamiento." *Fundación Mundubat y Revista Soberanía Alimentaria, Biodiversidad y Culturas*. Bilbao: December 2015. pp. 102–120. Available at: www.mundubat.org/informe-mundubat-acaparamiento-de-tierras-en-espana-2016/.

it is beginning to play a significant part of the fight against hunger and malnutrition. Nevertheless, those of us who view the situation from a feminist perspective believe that, so far, we are a very long way away from having reached the type of approach, measures and advancements that we would like.

Day after day, social movements—struggling for food sovereignty in different national and international organizations—still have to constantly fight for the full recognition of women's rights. Those of us who are debating at different forums within the UN system come up against a brick wall when we make such claims. One example is the ongoing negotiations for the UN Declaration on the Rights of Peasants in Geneva;² another example is the UN Committee on World Food Security (CFS). Some states do not consider women's issues to be a priority; in some cases, women are not even viewed as subjects with their own rights. At the CFS, for instance, it was not until 2016 that CFS recommendations included a paragraph specifically on women's rights.³ In this regard, some states argued that it is not the mandate of the CFS to include it, as its remit is solely food security. This goes directly against one of the human rights pillars; their indivisibility. We cannot separate women's rights, including sexual and reproductive rights, from the human right to adequate food and nutrition,⁴ all the more since these rights play such a crucial role, as mentioned above.

Indeed, we can say that women became a priority for agribusiness, as soon as they were identified as a significant consumer niche market. From supplements for breast milk, to nutritional programs for girls or women at childbearing age, multinationals continue to unroll their wide range of offers of products that add to the causes of malnutrition and objectification of women as mere incubators or walking uteruses. Real and transformational alternatives cannot be built if women are not considered as subjects with full rights, and if we do not work towards their autonomy and real equity. Just as ecological or environmental economy is introduced as a new alternative, a feminist economy is key for the construction of another fairer world.

This is why we need a feminist outlook that will contribute to a shift in focus: the reproduction of life is what counts, not the market. The work carried out by women needs to be recognized as holding center stage, because it sustains life and guarantees continuity. It is not 'subsistence agriculture'; it is agriculture for life. This agriculture is based on ancestral knowledge, on traditional varieties, on agroecology, on diversity—this type of agriculture guarantees healthy, nutritional and diverse food for all people and is adapted to the cultural contexts. That is, this agriculture for life guarantees the right to food and nutrition, and food sovereignty.

It is not perfect, at least not in all territories, especially in a context of climate change. However, agriculture for life suffices for guaranteeing the right to food and nutrition. In these contexts, an agroecological perspective is required so as to seek solutions that are adapted to the circumstances and that allow for this agriculture to feed families, or to find alternatives that complement diets, whilst also respecting the autonomy of peoples and caring for the earth. What is more, in many contexts, agriculture for life is not able to sustain food because women, for the mere fact of being women, have less access to the necessary productive resources, i.e. less access to land;⁵ less access to water; their use of seeds is penalized; and they often cannot gain financial resources to develop their (re)productive activity.⁶ All over the world we come across examples of these inequalities, from Africa⁷ to the Brazilian Amazon,⁸ and European countries,⁹ equality remains a pending matter. Despite all of

- 10 Committee on the Elimination of Discrimination against Women (CEDAW) General Recommendation No. 34 on the rights of rural women is the first international instrument to recognize that the human right to adequate food and nutrition of rural women is to be developed within the framework of food sovereignty. Available at: tbineternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf. For more information on this recommendation, please see: FIAN International. "The Recently Adopted CEDAW General Recommendation on The Rights of Rural Women: How Can Civil Society Make Use of it for The Realization of the Right to Food and Nutrition?" *Analytical Note*. Heidelberg: FIAN International, 2016. Available at: www.fian.org/fileadmin/media/publications_2016/CEDAW_GR_Rural_Women_Analysis_FINAL.pdf.
- 11 Global Network on the Right to Food and Nutrition. Viotá Declaration. June 2017. Available at: www.fian.org/fileadmin/media/publications_2017/GNRff/Viota_Declaration_-_EN_final_CLEAN.pdf.
- 12 Connie Nawaigo-Zhuwarara is the Strategic Program Manager at *Urgent Action Fund-Africa*, a pan-African and feminist fund, established in 2001 in Nairobi, Kenya. Using a rapid response grant-making (RRG) model, the fund supports unanticipated, time-sensitive, innovative, and bold initiatives. Special thanks to Elfrieda Pschorn-Strauss (Biowatch South Africa), Priscilla Claeys (Coventry University and FIAN Belgium), Emily Mattheisen (FIAN International) and Carsta Neuenroth (Bread for the World) for their support in reviewing this insight box.
- 13 For more information on the condition of rural women and their rights, please see: FIAN International. *The recently adopted CEDAW General Recommendation on the rights of rural women: How can civil society make use of it for the realization of the right to food and nutrition?* Heidelberg: FIAN International, 2016. Available at: www.fian.org/fileadmin/media/publications_2016/CEDAW_GR_Rural_Women_Analysis_FINAL.pdf.
- 14 For more information on women's roles in food security, please see the documentary "A Glimpse of Her Stories: Rural Women's Resilience and Food Security", produced by People's Coalition on Food Sovereignty (PCFS). 2012. Available at: www.cultureunplugged.com/documentary/watch-online/play/12305/A-Glimpse-of-Her-Stories--Rural-Women-s-Resilience-and-Food-Security.
- 15 For more information on the role of women in the struggles for food sovereignty in Africa, please see: Pschorn-Strauss, Elfrieda. "African Food Sovereignty: Valuing Women and the Seed They Keep." *Right to Food and Nutrition Watch* (2016): 49–51. Available at: www.righttofoodandnutrition.org/african-food-sovereignty.
- 16 For more information on Green Fuel, a joint government and privatized business venture that has sole use of 3,000 hectares, please see: www.herald.co.zw/green-fuel-invests-300m-into-chisumbanje-ethanol-project/. Green Fuel was contacted with a request for a reaction on the information included in this article on July 14, 2017.

these difficulties, women are the ones who feed the world across the planet and are indispensable in the path towards food sovereignty. For this reason, in the struggle for food sovereignty, championed by La Via Campesina, the role of women is essential and they must be in the front row.¹⁰ Even though they are responsible for food, they remain invisible, they are deprived of their rights and they are continuously victims of physical and structural sexist violence.

This scenario that we are depicting is the everyday reality of many women in the world. Despite all of this, today we still have to reiterate—even within social movements themselves—the importance of working with an outlook that goes beyond streamlining a gender perspective. In some spaces, such as the Global Network for the Right to Food and Nutrition, feminisms are already being incorporated as a perspective from which to address inequality.¹¹ For decades now women have been 'streamlined', but not much has changed. We will not tire from repeating that changes happen when women reach autonomy and through the organization and incorporation of a feminist perspective. It is simply not enough to paint their lives and spaces a rosy pink to appear more feminine, we want to paint them a tone of purple and make them more feminist. The fight for food sovereignty is anti-capitalist, but it must also be anti-patriarchal, otherwise it will never be just.

INSIGHT 3.1 Stories of Resistance: Women's Struggles for Food Sovereignty in Africa

Connie Nawaigo-Zhuwarara¹²

"We used to grow tomatoes and butternut but now we don't have money for transport or the resources to go and buy these things. There are no wild fruits or herbs. There are no wild fruits for babies. Some children are now suffering from malnutrition. The slag from the factory has poisoned the river and fish are dying."
Community member from Chisumbanje, Zimbabwe

Women in Africa are the social and economic pillars of rural community life,¹³ and as custodians of biodiversity, they are at the center of the struggle for food sovereignty and security.¹⁴ Rural women are also the most affected by global geo-political forces, trade agreements and investment deals. Many African governments yield financial gains from investment payoffs and deals, yet at the policy level, they rarely pay heed to issues relating to women, communities or the environment. Due to gender discrimination and lack of political will, women increasingly find the source of their livelihoods cut off or diminished as foreign investors take over the land, water and forests that they depend on.

African women are resisting and self-organizing to articulate the issues affecting them, and reclaim their food sovereignty.¹⁵ They have used various methods to define their own food and agricultural systems, and have come up with various coping strategies. The three powerful stories of women's resistance below illustrate the vulnerability of women's access to land and livelihoods and highlight their mobilization and activism.

RESISTANCE IN RURAL CHISUMBANJE, ZIMBABWE

In 2009, a sugar cane farm for the refining and production of ethanol in Chisumbanje, Zimbabwe was established by Green Fuel,¹⁶ damaging the ecosystem and putting at

- 17 For detailed information on this case, please see: Farai, Mutondoro *et al.*, The Intersection of Women, Land and Corruption in Zimbabwe: Case study of women in Chisumbanje and Chinyamukwakwa villages in Zimbabwe. Transparency International Zimbabwe, 2016. Available at: [fepafrika.ch/wp-content/uploads/TTZ-Women-Land-Corruption-study-Zimbabwe.pdf](https://sear.cwul.ac.zw/uploads/TTZ-Women-Land-Corruption-study-Zimbabwe.pdf); Nawaigo, Connie. "Appropriation of Land for Agro-Fuel Production and its Effects on Women's Rural Livelihoods and Access to Land: A Case Study of the Ethanol Project in Chisumbanje, Zimbabwe." Master's Thesis, University of Zimbabwe, 2012. Available at: https://sear.cwul.ac.zw/index.php?option=com_docman&task=doc_download&gid=193&Itemid=96.
- 18 For more information, please see: Zimbabwe Human Rights NGO Forum, Zimbabwe Human Rights Association and Zimbabwe Environmental Law Association. "Zimbabwe civil society condemns threat by Green Fuel to muzzle voices of marginalized farmers." *Transparency International Zimbabwe*, July 21, 2016. Available at: tizim.org/?p=375.
- 19 For more information, please see: Renton, Alex. "'Tourism is a curse to us.'" *The Guardian*, September 6, 2009. Available at: www.theguardian.com/world/2009/sep/06/masai-tribesman-tanzania-tourism.
- 20 For more information, please see: Ubwani, Zephania. "Police break up lawyers' protest march in Arusha." *The Citizen*, July 27, 2016. Available at: www.thecitizen.co.tz/News/Police-break-up-lawyers--protest-march-in-Arusha-/1840340-3317864-3tkow1z/index.html.
- 21 On February 26, 2014, the Soitsambu, Sukenya and Mondorosi villages filed an action in a US federal court against Thomson Safaris, an affiliate of Tanzania Conservation (TC), and its owners. For more information, please see: business-humanrights.org/en/thomson-safaris-lawsuit-re-masai-in-tanzania.
- 22 For more information, please see: "Maasai women take leadership in Ngorongoro." *International Work Group for Indigenous Affairs*, February 15, 2017. Available at: www.iwigia.org/news/search-news?news_id=1440.

risk women's rural financial livelihoods.¹⁷ Following the large-scale land acquisition, women's customary tenure rights were undermined and their livelihoods and food security compromised by failure of the State to protect people's rights and of the company to adequately compensate the people affected by evictions.¹⁸ As one widow from the community explains: "My husband passed away, I have no other way to make a living apart from when I was farming. I have no education but I really know how to farm."

In rural community life, women are responsible for the planting, caring and harvesting of crops. Historically, women grew a variety of crops such as groundnuts, maize and sorghum, and were active in sharecropping. However, due to the large-scale monoculture cropping of sugar cane in Chisumbanje, women are suffering from the loss of arable land and biodiversity.

Through mobilization, the women challenged the company, petitioned Parliament and highlighted their struggle. Members of Parliament visited the area and presented a report to the Full House of Parliament. However, legislation to protect the women never materialized and instead, the government pushed for the legalization of fuel blending, which provides the ethanol plant with the much-needed market for their agrofuel supply. Nevertheless, women will not give up their struggle.

MAASAI WOMEN'S FIGHT FOR FOOD AND LAND SOVEREIGNTY IN TANZANIA

In 2006, the Tanzanian government approved large-scale land acquisition by foreign investors for high-end tourism, which led to the eviction of the Maasai community and the shrinking of their grazing lands.¹⁹ The Maasai are pastoralists who depend almost exclusively on livestock for their livelihoods and seasonal migration with their animals, which underpins their resource management strategy. In the Ngorongoro region, in Arusha, Maasai women and girls have been harassed and intimidated by the government for defending their land, and even the activists' lawyer was arrested, leading to a protest march in July 2016.²⁰

Women have actively challenged this dispossession through mobilization, advocacy and public interest litigation.²¹ Women have been at the heart of resisting, organizing and petitioning government to protect their food sovereignty.²²

SETTING LEGAL PRECEDENTS IN GUINEA

In Guinea, women are often victims of discrimination and violation of their fundamental rights. The state has failed to protect women even though it is a signatory to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW). Women are responsible for nearly 80% of the country's food production, but only a small percentage own land. They do not have the right to inherit land. Instead, women obtain user rights to agricultural land through their husbands and sons, and they usually depend on them to maintain access to land. This discrimination has been worsened by uncontrolled exploitation of natural resources.

Earlier this year, three widows who were evicted from their land after the death of their husbands, decided to challenge these discriminatory local practices. The women have been able to organize and resist by taking urgent legal action in court to defend their interests and raise awareness of the rural population on

women's right to inheritance and land as recognized by Guinean land law. This court case could set an important precedent in challenging local customs that violate women's basic rights.

WOMEN RISING: WHERE NEXT?

These stories of resistance illustrate that women play a pivotal role in food sovereignty, but this is being increasingly undermined by the surge in large-scale land grabbing. Women's roles are often overlooked by mostly male-led elites due to gender discrimination embedded through religion, customary practices, policies and laws that do not take into account the contributions women make to community life and ecosystems. Religious fundamentalism and underdevelopment, both growing factors in Africa, continue to amplify these problems. Despite this, women are standing up, organizing, resisting and challenging both state and non-state actors, but in doing so, it makes them vulnerable to government-sponsored violations and abuses of their human rights.

African women are rarely part of decision or policy-making processes and as a result they are continually discriminated against. In the process they often lose the very basis of their livelihood and this is exacerbated by the new wave of industrialization and investment across the continent. Land is a major factor in the advancement of the human right to adequate food and nutrition. As active proponents of food sovereignty, it is vital for women to be political participants and to have their voices heard by organizing themselves around the issues of access to and ownership of land and compensation, to fully enable them to effectively assert their human rights.

The international community has recognized the need to protect rural women as they continue to experience poverty and exclusion whilst simultaneously battling with systemic discrimination in the access to land and natural resources.²³ States must meet both their national and international human rights obligations.²⁴ African states must therefore take measures to achieve substantive equality, especially in regard to customs that govern the governance of land tenure, and put in place laws that protect access to and control over land, participation and strengthen customary and statutory institutions to defend and protect women's rights and food sovereignty.

²³ In March 2016, the United Nations Committee on Economic, Social and Cultural Rights (CESCR) adopted its General Recommendation No. 34 (2016) on the rights of rural women. For more information, please see: [thinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf](http://internet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_7933_E.pdf).

²⁴ The rights of women are beginning to be acknowledged by international forums (including the African Union) and additional countries are slowly developing policies to reflect this trend. For more information, please see: www.achpr.org/files/instruments/women-protocol/achpr_instr_proto_women_eng.pdf.

BUILDING NEW AGRIFOOD SYSTEMS: STRUGGLES AND CHALLENGES

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“Global markets, in which food has been reduced to yet another commodity for speculation, have demonstrated that they are incapable of solving urgent situations of hunger: far from it, they actually worsen them.”

This statement may seem self-evident, but it is worth reminding ourselves that we live in a context of global crisis that can be defined as perverse. Globalization, which emerged some decades ago, has exponentially exploded in the last 15 years. It has paved the way towards a world where there are officially 795 million hungry people,¹ and, what is more, many more are not even accounted for, yet they are suffering from malnutrition-related problems on a scale never seen before. Against the backdrop of an energy-dependent society—with petroleum as our system’s cornerstone—we have surpassed peak oil² and seem to have forgotten that planet Earth’s resources are finite.

This outlook does not bode well for the planet over the coming years, and indeed, the final outcome will largely depend upon peoples’ movements and their capacity of response and coordination. The predominant development paradigm from the last century has led to a society that is not only hungry, but also devoid of humanity. Citizens have been turned into objects and are now considered merely another commodity with which to trade and increasingly generate profit from. They are not seen as people with needs and rights,³ but rather viewed as possible market niches and targets for different types of commodities. Similarly, common goods—water, land and seeds—have today been reduced to resources that can be extracted, whilst human beings are simply considered a human resource who are at the service of the market. In that respect, when we talk about food, it is essential that we build a narrative based on real needs linked to peoples’ rights, and also consider the repercussions that this perverse system has both on human beings and on our planet.

Acknowledgements

Special thanks to Antonio González (Agroecology Movement of Latin America and the Caribbean, MAELA) and Emily Mattheisen (FIAN International) for their support in reviewing this article.

Photo

Women in a local food market (Essakane, Burkina Faso, 2011). Photo by Florence Kroff/FIAN International.

1 FAO, IFAD and WFP. *The State of Food Insecurity in the World - Meeting the 2015 international hunger targets: taking stock of uneven progress*. Rome: FAO, 2015. Available at: www.fao.org/3/a-i4646e.pdf.

2 Fernández Durán, Ramón, and Luis Gonzalez Reyes. *En la Espiral de la Energía*. Libros en Acción. 2014.

3 Max-Neef, Manfred A, Antonio Elizalde and Martin Hapenhayn. *Desarrollo a escala humana: conceptos, aplicaciones y algunas reflexiones*. Barcelona: Icaria Editorial, 1994. Available in Spanish at: www.max-neef.cl/descargas/Max_Neef-Desarrollo_a_escala_humana.pdf.

4 For more information, please see: Rundall, Patti. “The Business of Malnutrition: The Perfect Public Relations Cover for Big Food”. *Right to Food and Nutrition Watch* (2015): 23-28. Available at: www.righttofoodandnutrition.org/node/31.

TERRITORIAL MARKETS: A TOOL FOR RESISTANCE

Today, in order to transform food systems within global institutions, we are fighting to make it clear that people are, first and foremost, human rights holders. The current discourse around ‘multi-stakeholderism’ has placed people’s claims and agribusiness companies’ needs for profit on an equal footing, thus making this rights battle all the more urgent. Within a human rights-based framework, such a perspective is inadmissible, and yet we see how this discourse spreads like a stain, seeping into different areas. It is imperative that the challenge of feeding the world is addressed by all actors together, but first there is the need to identify the real root causes of hunger and malnutrition, rather than simply mitigate the symptoms. Because of a reductionist vision, those that are mostly causing the problem are now asked to design the solution—and actually benefit from it.⁴

In this context, peasants, fisherfolk and pastoralists need to be rendered visible, as they produce 70% of the world’s food. Demands need to be made to preserve their production models, which have practically nothing in common with the model imposed by the globalized market. Small-scale producers cannot enter that market, nor do they want to, as doing so would trigger their demise. Global markets, in which food has been reduced to yet another commodity for speculation, have demonstrated that they are incapable of solving urgent situations of hunger:

- 5 The term 'territorial' was used by the Civil Society Mechanism (CSM) at the Committee on World Food Security (CFS) in Rome during the negotiations of the Working Group (WG) on Connecting Smallholders to Markets. An analytical guide that covers the development of this term as well as case studies that can help organizations in policy advocacy is available at: www.csm4cfs.org/connecting-smallholders-markets-analytical-guide. The WG's process and documents are available at: www.csm4cfs.org/working-groups/connecting-smallholders-to-markets.
- 6 In the case of Mexico, for instance, over the last two decades there has been an increase in people who are overweight and suffer from diseases such as diabetes, which coincides with "the entry into force of the North American Free Trade Agreement (NAFTA). This allows huge imports of ultra-processed foods with a high content of sugar, fat and salt, and low in fiber. During the same period the Mexican Government has encouraged the creation of, and investment in, large food corporations, thus, multiplying their influence and sales." Cedeño, Marcos Arana and Xaviera Cabada. "Nutrition Policies Taken Hostage by Multinationals and Conflicts of Interest The Obesity and Diabetes Epidemic in Mexico." *Right to Food and Nutrition Watch* (2015): 70–71. Available at: www.righttofoodandnutrition.org/node/46.
- 7 "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". "Nyéléni Declaration". Mali: Nyéléni, 2007. Available at: nyeleni.org/spip.php?article290.
- 8 CSM Working Group on Nutrition documents are available at: www.csm4cfs.org/working-groups/nutrition.
- 9 For more information, please see: Schieck Valente, Flavio Luiz. "The Corporate Capture of Food and Nutrition Governance: A Threat to Human Rights and Peoples' Sovereignty." *Right to Food and Nutrition Watch* (2015): 15–21. Available at: www.righttofoodandnutrition.org/node/25.
- 10 For more information, please see: Campeau, Christine. "Agroecology: An Alternative Way to Ensure Food Security." *Right to Food and Nutrition Watch* (2013): 28–29. Available at: www.righttofoodandnutrition.org/alternatives-and-resistance-policies-generate-hunger.
- 11 For more information, please see: Cedeño, Marcos Arana. "Responses to Climate Change Challenges on Food Production: Strengthening Resilience or Increasing Dependence." *Right to Food and Nutrition Watch* (2014): 46–49. Available at: www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2014_eng.pdf#page=46.

far from it, they actually worsen them. Meanwhile, so-called 'territorial' markets are also the most invisible, despite being the ones that can truly provide healthy and nutritional food to people.⁵ By now—in 2017—a clear link between the spread of diseases from an unhealthy diet and a country's level of economic globalization has been established.⁶

Consumers' 'free choice' is one of the most cited dictums in the discourse that goes hand in hand with the globalized model, in such a way as to suggest that this global system allows consumers to have a wider choice in their daily purchases. It is important to highlight that, in this context, things are not what they seem, as the global model does not equate citizens with consumers. Most existing legislation on consumers' rights recognize that consumers are those who have exchanged money for a product, which means that those people who use other channels to access food, such as bartering, soup kitchens, or food aid do not enjoy any rights. This aspect is key; as it reduces the human right to adequate food and nutrition to a mere quantitative transaction of goods to fill stomachs, without taking into account the quality or nutritional value of food. The definition of food security reinforces this notion, as it relegates food to mere quantitative indicators. For these reasons, food sovereignty is the principle that guides civil society organizations' claims.⁷

NUTRITION: A POLITICAL BATTLE IN A TERM

Following the declaration in 2016 of a so-called Decade of Action on Nutrition, one could easily imagine that there is a new window of opportunity within the United Nations World Health Organization (WHO) and at the United Nations Food and Agriculture Organization (FAO). Theoretically, over the next ten years nutrition will be put forth as a key issue to be addressed by states, hand in hand with civil society. Thus far, one cannot claim to be very optimistic about the decade. As mentioned above, multi-stakeholderism is the approach taken, and initial documents and meetings place additional weight on false solutions provided by agribusiness. In the view of civil society, the main problem lies in the fact that nutrition is addressed with neither a holistic nor a human rights-based approach.⁸ Instead, quantitative indicators are used, thus ignoring the entire context of how food is produced: production models, water, land, biodiversity, energy, cultural context, women's rights, etc. By sidelining all of these aspects, false solutions to hunger and malnutrition are discussed, such as nutritional supplements and fortified foods.

We, civil society organizations, will not tire of repeating that all of this is unnecessary, in a world where 150% of the required food is produced, and where food is a political, not a technical problem, which needs to be addressed from a human rights-based approach: the right to food and nutrition cannot be separated from everything else.⁹

Even though we have managed to introduce agroecology into different FAO documents,¹⁰ in order to have real inclusion, the term would have to be placed on an equal footing with so-called 'climate smart agriculture', which is promoted by the private sector.¹¹ But we know that these two terms cannot simply coexist, because in order for agribusiness to survive, peasant farming would have to die. Half-hearted commitments by states are useless right now, as are the attempts to try and please all 'stakeholders'. The priority should lie in the needs and rights of human beings, not of business.

A NEW CONTEXT: THE URBAN PLANET

We should not forget that these developments take place in an era when more than half of the world's population lives in urban areas. The development model driven by global entities prioritizes the development of cities, as these units replicate the system itself. Therefore, we should recognize that cities are fully dependent on the territory as a whole, especially in terms of food. Indeed, cities expand and encroach on what was once agricultural land, and as they do so, they engulf a workforce who are either from that country or other more disadvantaged countries.¹²

This urbanization leads to abject poverty and hunger in the peripheries of cities, where the majority of migrants live: hunger is no longer just a problem of countries in the Global South, but rather of cities that themselves reflect the North-South divide. Take for instance the life expectancy of Bronx (New York, USA), which is lower than that of Bangladesh.¹³ In cities like Glasgow (Scotland), the life expectancy of a person living in an affluent neighborhood is 30 years longer than that of a person living in an underprivileged neighborhood.¹⁴

Against this backdrop, we are witnessing the emergence of different initiatives that see food in cities from a more sustainable perspective, such as for example the Milan Pact, signed in October 2015. In order to be really transformational, these initiatives must be holistic and reconsider the city in its entirety, as well as the very social model that is promoted by most large urban centers. In this day and age, individualism has taken ownership of urban dwellers. To build a new system, we would have to recover our collective and communal vision, because our ego, in all of its insignificance, blinds us from the immensity of the issues at hand that go far beyond ourselves. To this end, more inclusive food governance models are being sought,¹⁵ such as food councils, where a crosscutting approach is taken in order to build new alternatives. However, there are no magic solutions: each context needs to find formulas based on participation and social inclusion.

WOMEN AS PILLARS OF FOOD SYSTEMS

In these new alternatives, we cannot but highlight the role played by women: for centuries women have sustained food production and human life. Women are the pillars of food systems, both as peasants—guardians of seeds and knowledge—and as carers, the latter as a result of patriarchy and gender labor division.¹⁶ Historically, women have fed the world yet they are also the most silenced victims. The hetero-patriarchal system, which only values large-scale activities that are considered productive and carried out in the public sphere, scorns and dismisses all other activities, yet these are the ones that really sustain the system. If women's historical labor were to be valued, capitalism and its calculating nature would be shattered. This is precisely why reconsidering and rebuilding the food system, nutrition and markets, would have to first of all guarantee women's rights, including their sexual and reproductive rights.¹⁷

Those of us who debate at forums such as the United Nations Committee on World Food Security (CFS), often come up against a brick wall when we make such claims. Some states do not consider women's issues to be a priority; in some cases, women are not even viewed as subjects with their own rights. Indeed, we can say that women became a priority for agribusiness, as soon as they were identified as a significant consumer niche market. From supplements for breast milk, to nutrition

- 12 For more information, please see: Forster, Thomas and Emily Mattheisen. "Territorial Food Systems: Protecting the Rural and Localizing Human Rights Accountability". *Right to Food and Nutrition Watch* (2016): 38–42. Available at: www.righttofoodandnutrition.org/territorial-food-systems.
- 13 Petras, James F. "New-York fait éclater le mythe de la société pot-industrielle." *Le Monde Diplomatique*, April 1992. Available in French at: www.monde-diplomatique.fr/1992/04/PETRAS/44315.
- 14 VSF Justicia Alimentaria Global. *Viaje al centro de la alimentación que nos enferma*. Barcelona: VSF Justicia Alimentaria Global, 2016. Available in Spanish at: vsf.org.es/sites/default/files/campaign/informe_dameveneno.pdf.
- 15 One example worth highlighting is the Detroit Food Policy Council, in Michigan, USA, which designates six seats out of 21 for grassroots community residents. For more information, please see: Yakini, Malik. "From the Bottom Up: Building the Detroit Food Policy Council". *Right to Food and Nutrition Watch* (2016): 43–44. Available at: www.righttofoodandnutrition.org/territorial-food-systems.
- 16 For more information, please see article "From a Market Approach to the Centrality of Life: An Urgent Change for Women" in this issue of the *Right to Food and Nutrition Watch*.
- 17 For more information, please see: Córdova Montes, Denisse, and Flávio L. S. Valente. "Interdependent and Indivisible: the Right to Adequate Food and Nutrition and Women's sexual and Reproductive Rights". *Right to Food and Nutrition Watch* (2014): 32–34. Available at: www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2014_eng.pdf#page=32.

- 18 An interesting example is the Global Convergence of Land and Water Struggles, which was born during the African Social Forum in Dakar in 2014. The convergence aims to construct a strong and united movement to defend the right to land, water and seeds. For more information, please see: Koné, Massa and Chantal Jacovetti. "The Global Convergence of Land and Water Struggles in West Africa: Building a Strong and United People". *Right to Food and Nutrition Watch* (2016): 52-54. Available at: www.righttofoodandnutrition.org/global-convergence-land-and-water-struggles-west-africa.
- 19 Fred Wesonga is the Principal of Sheikh Technical Veterinary School and Reference Centre (ISTVS). Haileselassie Ghebremariam is the Head of Department for the degree program in Dryland Economics and Agro Ecosystems Management (DEAM) at ISTVS. ISTVS is a regional institution located in Sheikh, in the highlands of the Sahil region (Somaliland). Its aim is to support the provision of technical and professional personnel and to facilitate Intergovernmental Authority on Development (IGAD) regional networking to strengthen resilience and upgrade pastoral and agro-pastoral communities' livelihoods thereby releasing the full potential of the Horn of Africa's arid and semi-arid lands. Special thanks to Lucy Wood, Paola De Meo (Terra Nuova) and Nora McKeon (International University College Turin, Rome 3 University and Terra Nuova) for their support in reviewing this insight box.
- 20 Wesonga, Fred, Haileselassie Ghebremariam and Abdirahman Bare Dubad. *Milk marketing in Somaliland: A case study for the Hargeisa and Wajale urban-rural milk supply chain*. ISTVS/IGAD. March 2016. Available at: drive.google.com/file/d/0B8k9Dj78FdL9ZGxrNURxVFRxVmc/view. For more information, please see: Food Security Nutrition Analysis Unit (FSNAU). *Market Data Update October 2015–November 20, 2015*; and District Participatory Planning and Budgeting Process. *District Development Framework Hargeisa*, 2010. Available at: www.scribd.com/document/168354053/Documents-DDFs-DDF-Hargeisa.
- 21 Ministry of National Planning & Coordination. *Somaliland in Figures 2004*. Hargeisa: 2004. Available at: www.somalilandlaw.com/Somaliland_in_figures_2004.pdf.
- 22 Mosele, Luciano and Abdi Osman H.A. *Sustainable Peri-Urban Milk Value Chain Development in Somaliland 2013-2016*. International Centre of Insect Physiology and Ecology (icipe). Available at: bit.ly/2IXUwEX.
- 23 Wesonga, *supra* note 20.
- 24 *Ibid*.

programs for girls or women at childbearing age, multinationals unroll their wide range of offers of products that add to the causes of malnutrition and objectification of women as mere incubators or walking uteruses. Real and transformational alternatives cannot be built if women are not considered as subjects with full rights and if we do not work towards their autonomy and real equity. Just as ecological or environmental economy is introduced as a new alternative, a feminist economy is key for the construction of another fairer world.

HUMAN RIGHTS FROM THE BOTTOM-UP

Against this backdrop, it is crucial to bolster unity and coordination among those civil society networks who advocate food sovereignty and agroecology as key tools in the struggle to preserve peasant agriculture and food systems that can really feed and 'cool' the planet. From past experience, social movements have realized that, irrespective of what sector they prioritize, they need to organize in a jointly manner, in order to denounce the unfair world that we live in and build other worlds.¹⁸ As discussed at the beginning of this article, this crisis will barely be solved with the 'technological optimism' that has caused it. Instead, a deconstruction and reconstruction of the food system in its entirety is required, along with the consequent reformulation of the social model. As we embark on that path, it is crucial that human rights be the basis of a narrative that still needs to be constructed: a narrative that is centered on the needs of peoples and of the planet, not the ambitions of businesses whose only objective is their own enrichment.

INSIGHT 4.1 The Milk Cooperative Movement in Somaliland: Pastoralists Reclaiming Food Sovereignty *Fred Wesonga and Haileselassie Ghebremariam*¹⁹

In Somaliland, situated in the arid Horn of Africa, livestock is the economic backbone and the main source of livelihood for the country's population of four million.²⁰ The livestock population is estimated at 10 million goats, 5 million sheep, 5 million camels and 2.5 million cattle.²¹ With up to 60% of the population relying on milk and milk products for household food security and income, the milk sector plays a key role in the food system. Women are primarily responsible for retail marketing (hawking and vending in shops/markets), while men assist with collection and transportation. Milk is consumed on average twice a day and provides approximately 60% of the total daily caloric intake amongst rural and urban populations.²²

COOPERATIVES ORGANIZE TO ENSURE GENUINE FOOD SECURITY

A milk marketing survey conducted in Somaliland in 2016 indicates that, although the marketing system is largely informal, the cooperative movement is gaining momentum.²³ The survey also concurs that locally produced fresh milk is preferred to imported milk.²⁴ Despite campaigns by various regionally-based international corporations promoting the consumption of packaged, pasteurized milk from the formal sector, raw milk remains popular. It is cheaper, has higher fat content, is widely accessible and comes in variable quantities to suit every consumer's purchasing power. Moreover, food is fundamental to identity: People prefer local food from their own culture if the quality is good and if it suits their daily rhythms.

Somaliland currently has five milk cooperatives that are registered with the government.²⁵ Membership is growing, with women increasingly filling prominent management roles. They benefit from legal registration, communication on animal health, linkages between milk chain actors and international organizations, and security in the markets. Additionally, these cooperatives support traditional pastoralist arrangements with all the above, as well as with the provision of milk cans, hygiene and sanitation.

In this context, the growing cooperative movement provides a platform for a traditional arrangement of women pastoralists to sensitize communities on the benefits of consuming raw milk and how it can lead to economic gains at the household level. Known as *hagbed*, this system builds on shared culture, values, and trust. Producers organize themselves in groups of 10–15 members with the objective of minimizing operational costs. Each member contributes towards the daily requirements of their customers. The milk is sold on behalf of one member, who retains the money. The following day they contribute milk to another producer and so on, until all members have had the opportunity to sell. Furthermore, in times of fluctuation in supply, traders can source milk from other cooperatives. The system guarantees consumers a regular supply of milk, while providing producers equal access to customers and safeguarding their incomes. This creates strong social and economic bonds among members, who together can safeguard their trade and face up to the many food safety challenges, including the highly perishable nature of milk, handling practices and cooling facilities.²⁶

This ‘informal’ marketing system promotes genuine food security, and should therefore be supported by appropriate policies and regulations that assure milk quality as well as investment in infrastructure and facilities to improve marketing and processing. This can be achieved through lobbying for policies and services that recognize and favor this ‘invisible’ trade.

LOOKING AHEAD: HOW TO SUSTAIN THE MILK PRODUCTION’S CONTRIBUTION TO FOOD SOVEREIGNTY

Cooperative movements should be sustained, given the role they play in promoting food sovereignty for the people. They provide a mechanism by which people can participate politically, thereby influencing the government to formulate policies that are vital for the development of milk production and trade. Furthermore, cooperatives are instrumental in shielding the country from the dominance of transnational corporations (TNCs), which often operate systems that are detrimental to the development of the local economy. The milk marketing chain is efficient and sustainable, despite the popular belief that only TNCs are able to provide a dependable system in the dairy sector.

The country is now opening up to private sector investment, leading to the inevitable influx of TNCs. Local trade will thus be threatened, thereby contributing to food insecurity, and marginalizing women who are the backbone of the supply chain. To safeguard the existing methods of milk production, and its positive impacts on people’s wellbeing and rights, the national government and local authorities are called upon to implement the following measures:

- Uphold cooperative movements, as they can support the government in formulating policies that protect citizens’ rights to produce, trade and consume locally produced products;

²⁵ *Ibid.*

²⁶ *Ibid.*

- Strengthen the role of cooperatives, as they enable traders' access to credit and encourage a culture of savings to cushion against losses in adverse trading periods; and,
- Establish private insurance schemes to provide capital to milk traders who lose their investments due to spoilage or drought, in order to enable them to continue trading.

These claims are in line with the policy recommendations on small-scale producers and markets adopted by the United Nations Committee on World Food Security (CFS) at its 43rd plenary session in October 2016. Thanks to strong social movement and civil society advocacy, the CFS recognized that domestic markets embedded in territorial food systems are far more beneficial for food security, smallholder livelihoods, and rural economies than formal value chains. We call on states to recognize, support and defend small-scale producers through appropriate policies and investments.²⁷ Indeed, more than 80% of smallholders operate in territorial markets worldwide—and they channel around 70% of the food consumed in the world.²⁸

²⁷ Civil Society Mechanism. "Connecting Smallholders to Markets: an analytical guide". 2016. Available at: www.csm4cfs.org/connecting-smallholders-markets-analytical-guide/.

²⁸ Goita, Mamadou, Nora McKeon and Nadjirou Sall. "Peoples' Markets or Corporate Supply Systems? Negotiating in the Committee on World Food Security." *Right to Food and Nutrition Watch* (2016): 41. Available at: www.righttofoodandnutrition.org/territorial-food-systems.

COMMONS AND 'COMMONING': A 'NEW' OLD NARRATIVE TO ENRICH THE FOOD SOVEREIGNTY AND RIGHT TO FOOD CLAIMS

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“How did we get to accept that food, one of the three essentials for life, along with air and water, can be produced, distributed, appropriated and even destroyed on the basis of pure economic considerations?”

Over the last ten years, *Watch* readers have become familiar with the consequences of the capitalist economic model: from the depletion of natural resources to climate change,¹ and from the concentration of wealth to the corporate capture of our food system.² Despite a decade of mobilizations and struggles, we continue to witness the effects of capitalism’s appropriation and transformation of nature: the enclosure of land, the rapid disappearance of small-scale farming, the privatization of customary fishing rights, the misappropriation of seeds, deforestation to cultivate cash crops for industrial long food chains, the gradual extinction of biodiversity, human-induced pollution, meal impoverishment, nutrient-poor ultraprocessed foods, and widespread famines, to name but a few.

Acknowledgements

Special thanks to Karine Peschard (Graduate Institute of International and Development Studies) and Priscilla Claeys (Coventry University and FIAN Belgium) for their support in reviewing this article.

Photo

Peasant working on the land near the Indo-Nepal border (Uttar Pradesh, India, 2016). Photo by Marit Erdal/FIAN Norway.

- 1 Whitmee, Sara *et al.*, “Safeguarding human health in the Anthropocene epoch: report of The Rockefeller Foundation–Lancet Commission on planetary health.” *The Lancet* 386 (2015): 1973–2028.
- 2 Rundall, Patti. “The ‘Business of Malnutrition’. The Perfect Public Relations Cover for Big Food.” *Right to Food and Nutrition Watch* (2015): 23–28. Available at: www.righttofoodandnutrition.org/node/31; Schuftan, Claudio and Radha Holla. “Two Contemporary Challenges: Corporate Control over Food and Nutrition and the Absence of a Focus on the social determinants of Nutrition.” *Right to Food and Nutrition Watch* (2012): 24–30. Available at: www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2012_eng.pdf#page=24.
- 3 The Nyéléni Declaration on Agroecology (February 27, 2015) rejects the commodification of food-producing resources, recognizing that “[c]ollective rights and access to the Commons are fundamental pillars of Agroecology. [...] We reject the commodification of all forms of life. [...] We need to put the control of seeds, biodiversity, land and territories, waters, knowledge, culture and the commons in the hands of the peoples who feed the world”. Available at: www.foodsovereignty.org/forum-agroecology-nyeleni-2015/.
- 4 Dardot, Pierre and Christian Laval. *Commun, essai sur la révolution au XXI^e siècle*. Paris: Le Découverte, 2014.

Policy makers, social movements, grassroots groups and engaged scholars have discussed legal initiatives, policy options and examples of how bottom-up organizations and new forms of governance can facilitate, redress and prevent some of the malfunctions and harmful effects of global capitalism. However, they often stop at the symptoms; or their attempts to introduce a new vision of what a new food system could look like are thwarted. In this respect, we invite readers to re-interpret the relationships between humans, animals, nature and food, and present a value-based paradigm shift that goes to the root of a failed economic system. Rather than perceiving natural resources and food as commodities, this article shows that a paradigm shift towards valuing, governing and stewarding nature, labor and food as commons³ can enrich the claims for food sovereignty and the human right to adequate food and nutrition.

This paradigm change is neither a proposal for a quick fix, nor a short-term solution to the converging crises, but rather a long-term, ecological and bottom-up alternative to the dominant economic model. Our notion of the commons goes beyond an economic understanding of commons as rival but hardly excludable natural resources shared by a community. We advocate for an understanding of the commons that reflects a combination of material and immaterial common resources (e.g. fish stocks and cooking recipes). The commons also encompasses the shared social practices that have been institutionalized by societies to govern resources (referred to as ‘commoning’), and collective management with a sense of common purpose (i.e. to guarantee access to food to all members of the community). Thus, commons are not only resources but also practices where each member of the collectivity is thinking, learning and acting as a ‘commoner’. It is through ‘commoning’ that resources become part of the commons, and not the other way around.⁴ The commonsbased approach to humans and the planet informs a transition from nature as a resource that serves human needs, to nature as a co-constructed and co-inhabited web—a life enabler that also sets limits to human activities. This paradigm shift is rooted in historical and customary practices (e.g. indigenous groups producing food in rural areas, transhumant pastoralists in grassland steppes) as well as in innovative contemporary urban actions (e.g. young dwellers consuming organic food produced in urban gardens or sharing meal initiatives via Internet apps). Therefore, it is both a new and an old paradigm

that clearly confronts the dominant neoliberal narrative that is marked by profit-oriented market hegemony and individualism. We begin with a critique of the idea of the ‘tragedy of the commons’ and we then discuss the role that commons and ‘commoning’ can have in decommodifying nature. In the last section, we introduce the idea of food as ‘new’ old commons in opposition to food as a pure commodity, and discuss how this narrative and praxis may enrich other transformational civil society claims.

COMMONS AT A TIME OF CHEAP NATURE AND LOW-COST FOOD SYSTEMS

Jason W. Moore reminds us that modernity has been constructed around the search, appropriation and enclosure of cheap nature.⁵ Since Descartes, the Western world has considered nature as a soul-less object. It has simplified it and separated it from the human realm, to allow it to be deconstructed, studied and described, but also controlled and converted into a commodity.⁶ Later on, influential philosophers such as John Locke or Adam Smith justified the appropriation of common resources—that belonged to all—for individual private benefit. In legal terms, this appropriation of the commons was epitomized by the notions of public and private ownership: two concepts that share the idea that human beings can appropriate most—if not all—of what surrounds them (individually or through the intermediation of public authorities). Not only does this dichotomy between private and public entities dominate the paradigmatic horizon of so-called ‘modern cultures’ and our language,⁷ but also, it offers a justification for the unsustainable and non-ecological practices described above.

Within this dominant paradigmatic framework, it should come as no surprise that ideas and practices that operate beyond the public-private binomial are invisible, undervalued or dismissed as archaic and non-modern. And yet, throughout centuries and still today, other forms of interactions and epistemic regards between society and nature have been developed. Examples include the 19th century irrigation canals in the Swiss Alps that are still functioning; the collectively-managed water system in Cochabamba (Bolivia); indigenous traditions to maintain seed biodiversity in Latin America; and land in Kenya that is collectively owned and managed by the Endorois pastoralists. Agroecological knowledge that farmers reproduce all over the world is another case in point. Their food systems are not only qualitatively different, but they are also quantitatively essential: two billion people around the world still depend on the commons for their daily food and everyday needs.⁸ These areas, although often classified as public lands or private property owned by communities, are collectively owned and self-governed by their inhabitants, very often through common property arrangements.⁹

All of these can be viewed as commons, because they constitute systems of co-existence between humans and natural resources that are based on self-regulated collective governance, and not on market mechanisms or state regulation. Those resources are governed in this way because they are deemed essential to individual and community survival. Moreover, the commons steward the resources for future generations, enable direct democratic processes and value resources in non-monetized ways (value-in-use; universal accessibility; environmental sustainability). However, commons were harshly stigmatized

5 Moore, Jason W. *Capitalism in the Web of Life*. London and New York: Verso, 2015. p. 53.

6 Mattei, Ugo, and Fritjof Capra. *The Ecology of Law*. Oakland: Berret-Koheler, 2015.

7 Bollier, David, and Silke Helfrich, eds. *Patterns of Commoning*. Amherst: Commons Strategies Group, 2015.

8 Weston, Burns H., and David Bollier. *Green Governance: Ecological Survival, Human Rights, and the Law of the Commons*. New York: Cambridge University Press, 2013.

9 Meinzen-Dick, Ruth, Elisabeth Mwangi, and Stephan Dohrn. “Securing the commons. What are the Commons and What are they Good For? CGIAR Systemwide Program on Collective Action and Property Rights.” *Policy Brief 4* (2006). Available at: dlc.dlib.indiana.edu/dlc/handle/10535/3837.

as inefficient systems of management by Garrett Hardin in his influential 1966 article, *The Tragedy of the Commons*. In fact, it took almost five decades before scholars, environmental and social activists, and policy makers began recognizing the possibility of a non-public and non-private way of interacting with nature and its resources. Meanwhile, customary commoners were fiercely defending their commons against privatization. Examples include indigenous forests in Guatemala; fishing rights in Philippines islands; hunting licenses of Inuits in Canada; and Swiss alpine pasturelands.

According to Hardin, the lack of individual proprietary titles over grazing land would lead to its depletion because shepherds would try to use as much grass as possible for their herd out of fear of being left behind. Only the fragmentation of the resource into enclosed and exclusive areas of exploitation would limit the grazing to its optimal use. In a society characterized by individualism, market forces and competition, Hardin's theory implies that private property represents the only way of preserving resources, and therefore favors its efficient exploitation. However, Hardin failed to realize that the idea of limits and obligations represents a central aspect of the theory and praxis of the commons. He neglected the thousands of successful cases of commons' management from all over the world that were later studied by Elinor Ostrom and her team, and that have since then been introduced in multi-disciplinary works all over the world.

LIMITS AND OBLIGATIONS AS AN ANTIDOTE TO EXTRACTION AND DEPLETION

The notion of the 'commons' was rehabilitated in the Western world by Elinor Ostrom's paramount research on how local communities govern common pool resources, for which she was awarded the Nobel Prize for Economics. Ostrom and her colleagues studied hundreds of cases worldwide where different societies organize and allocate tasks in such a way that the resources they depend on can be collectively and managed in a sustainable way. Moreover, benefits are shared among the members, and no market or state is involved. Although embedded in an economic approach to the commons, Ostrom and her colleagues showed that collective forms of property and governance can work when they are adapted to the physical and cultural features of the resource governed and the governing community, and "when the resulting rules are enforced, considered legitimate, and generate long-term patterns of reciprocity."¹⁰

The merit of Ostrom's theoretical and practical research was to offer a convincing experience-based third model (neither private management nor state-control): one of decentralized polycentric governance of complex natural systems,¹¹ where self-motivated collective actions by local groups and customary communities play an important role in governing natural resources. Interestingly, the true achievement of Ostrom's work was to highlight that customary, indigenous and rural forms of governance, often dubbed as 'outmoded' or 'backwards', can be the most resilient, efficient and adapted mechanism to govern natural resources, even outperforming monetized markets and coercive state regulations.

The commons, drawing from millennial traditions and experiences, represent a paradigm shift from state obligations towards individuals to collective duties towards the others (reciprocity) and towards the planet (stewardship). This paradigm underpins an alternative social organization, where the commonwealth and commons that satisfy both material and spiritual needs are viewed precisely

10 van Laerhoven, Frank, and Elinor Ostrom. "Traditions and Trends in the Study of the Commons." *International Journal of the Commons* 1(1) (2007): 3–28.

11 Ostrom, Elinor. *Governing the Commons: The Evolution of Institutions for Collective Action*. New York: Cambridge University Press, 1990.

as that: commons. Thus, they are governed according to principles of solidarity, common necessity, and mutual support that are necessary for everyone to satisfy their own needs and for the community to prosper.

A COMMONS-BASED FOOD SYSTEM TO ACHIEVE THE RIGHT TO FOOD AND FOOD SOVEREIGNTY

The commons paradigm fits the food systems like a glove. The word ‘agriculture’ derives from the Latin *agri-cultura*, a concept that reflects that, historically, the relationship between humans, the planet and its resources has not been just a matter of extracting economic value of privately owned goods. On the contrary, producing food has always been valued as a cultural moment and a process of collective creation. The environment and its dynamics have been understood as a combination of labor, knowledge, nature and the ecological equilibrium.¹² However, the collective origins of providing food (since our ancestors gathered to hunt and divide tasks in order to obtain sufficient food for everyone¹³) have been lost throughout history. This is particularly so in the last century, following the spiraling commodification of food and individualization of production and consumption that goes hand in hand with the expansion of the Cartesian vision of Nature, capitalism as the way of organizing people and nature, and an exclusionary understanding of property.¹⁴

Therefore, the current paradigm at the basis of the dominant industrial food system is the product of the combination between Locke’s idea of first appropriation by one’s own work and Hardin’s idea of private titling, excluding others, individual rational choices, profit maximization and money-mediated market interactions. Consequently, this system is riddled with paradoxes and socio-ecological flaws, triggered by a vision of food as a commodity that is produced and allocated exclusively according to the purchasing power. Rights, basic needs, nature or collective agreements come second. If this is the case, we should ask ourselves how we got to accept that food, one of the three essentials for life, along with air and water, can be produced, distributed, appropriated and even destroyed on the basis of pure economic considerations? Why do we accept that all of those material and immaterial resources involved in making food possible are just regarded, regulated and governed as commodities? Land, seeds, water, labor, agricultural knowledge, public canteens and trash bins—most of which constructs the food system—are valued and organized as private goods, managed as a source of wealth and profit rather than as part of a system that is essential for human life and the survival of the planet.¹⁵ The current way of producing food to maximize profit is consuming the planet beyond its boundaries. We need other narratives, other goals, and other values.

Thus, what would happen if we were to change the paradigm and consider the food system and food as a commons?¹⁶ It would only represent the first step of a long trajectory, but a crucial one. Firstly, production, distribution and consumption would not be determined by market forces, but by people’s needs and priorities. The link between rural and urban areas would be consolidated, and collective bottom-up decisions would be at the center of integrated food policies that recognize the importance of local and common decisions. Accessible, local, healthy and adequate food would be produced by communities for the communities or regions for the countries (since less than 25% of total food produced crosses

12 Mattei and Capra (2015), *supra* note 6, p. 29.

13 Sahlins, Marshall. *Stone Age Economics*. Chicago: Aldine Atherton, 1972.

14 Mattei and Capra (2015), *supra* note 6.

15 Vivero-Pol, Jose Luis, Tomaso Ferrando, Olivier De Schutter and Ugo Mattei, eds. *The Routledge Handbook of Food as a Commons*. London: Routledge. Forthcoming, 2018.

16 Ferrando, Tomaso. “Il sistema cibo come bene comune”. In Alessandra Quarta and Michele Spanó, eds. *Beni Comuni 2.0*. Milano: Mimesis Edizioni, 2016.

frontiers),¹⁷ long chains of 'food from nowhere' would be impossible, as they are intrinsically incompatible with the idea of a democratic and needs-based food system. Secondly, there would be the recognition that food and nature are intrinsically linked, and that the latter cannot be spoiled or plundered in order to generate the former. The quality of soil, the cycles of nature, biodiversity, and the integrity of the planet would go hand in hand with the production of food and the satisfaction of human needs. This is a paradigm shift that needs to be popularized and enshrined in legal frameworks.

Thirdly, a tripartite system of governance should be re-engineered, where civic food actions (self-organized people, producing-consuming together outside money-mediated transactions) are granted legal, political and financial space; for-profit social food innovations are supported (but agrifood oligopolies and corporate control over the food system are discouraged); and a different kind of state is implemented. The new state becomes a guarantor of a minimum food provision for all, channels more funds to civic food actions and facilitates the bottom-up participation of people in the definition of their own food system.

It is evident, therefore, that the 'food as a commons' approach would enhance and strengthen the fight for the right to food and nutrition and the quest for food sovereignty. Firstly, the vocabulary and practices of the commons can offer an effective instrument to express the need to reconsider the relationships between human, natural resources and food.¹⁸ Secondly, the consideration of food as a commons can reinforce the food sovereignty movement with a transformative narrative that combines old and new value-based discourses and practices. This shift in focus can also prop up urban and rural dynamics:¹⁹ from those of the Amazonian indigenous groups to the New Yorkers who are members of community-supported agriculture schemes (so far, the latter are not yet dazzled by the food sovereignty discourse). Thirdly, the idea and practice of food as a commons recognizes the centrality of collective rights, collective governance and the instituting power of communities and multitudes to define the most adequate institutions. It could thus strengthen the achievement of the right to food and nutrition, providing a bottom-up approach that is currently lacking in the traditional state-citizens dynamics. Ultimately, this dialogue underpins the food sovereignty movements' struggles. It reinforces the claim that a transformation of the food system around practices and traditions originating from all over the world cannot take place unless the multi-dimensionality, ecological implications and history of food become the new horizon for action. Finally, the food sovereignty movement often claims that food is not a commodity, and hence the commons paradigm could help its members to demand a reconfiguration of international trade law and investment law, mainly excluding food from the neoliberal project of integrated markets and foreign direct investments.

To conclude, in this article we claim that the vision of nature, labor and food as commodities is central to the reproduction of the capitalist system as ecologically and socially unequal. With a focus on food, we ponder what, if not a commodity, should food be? We suggest the importance of constructing an alternative normative regard of food, based on its essentiality to all human beings, its multiple-dimensions that cannot be valued and traded in the market (i.e. food as a cultural determinant, human right, natural resource) and the customary and contemporary 'commoning' practices that represent an existing and radically different paradigm vis-à-vis the failing but still dominant corporate

17 D'Odorico, Paolo *et al.*, "Feeding humanity through global food trade." *Earth's Future*, 2 (2014): 458–469.

18 Vivero-Pol, Jose Luis. "Transition towards a food commons regime: re-commoning food to crowd-feed the world." In *Perspectives on Commoning: Autonomist Principles and Practices*, edited by Ruivenkamp, Guido, and Andy Hilton. London: Zed Books, pp. 185–221. Forthcoming, 2017.

19 Vivero-Pol, Jose Luis. "Food as Commons or Commodity? Exploring the links between normative valuations and agency in food transition". *Sustainability* 9(3) (2017): 442.

food system. This vision is already practiced and recognized all over the world: it can undoubtedly strengthen the struggles for the right to food and nutrition and for food sovereignty.

INSIGHT 5.1 The Responsible Governance of Tenure of Natural Resources: A Stepping Stone Towards the Right to Food and Food Sovereignty in Nepal

Katie Anne Whiddon and FIAN Nepal²⁰

In Nepal, the uneven distribution of natural resources and state-led oppression have considerably contributed to widespread deprivation, limited decision-making power and food insecurity, especially in rural areas, where over 80% of the population resides. In this context, tenure of land, forests and fisheries is vital for eradicating hunger and poverty.

The Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (hereinafter Tenure Guidelines)²¹ can contribute to the review of existing legislation in Nepal in an inclusive and participatory manner. The following snapshot highlights the struggle of marginalized indigenous peoples living on the fringes of protected areas²² to gain access and equitable control over natural resources to realize their human right to adequate food and nutrition and food sovereignty.

NEPAL'S 2015 CONSTITUTION: ACCESS TO FOOD TAKES CENTER STAGE

Since the country's transition from an autocratic monarchy to a multi-party democracy, Nepal has ratified a number of human rights instruments, including seven core treaties.²³ In an environment of impunity and inaction, a growing awareness of structural inequality and rights gradually bolstered demands for socio-political change. A peoples' uprising in 1990 was followed by armed conflict between 1996 and 2006, and a second people's revolution in 2006. Marginalized and discriminated constituencies—such as indigenous peoples,²⁴ Dalits ('lower occupational castes'), religious minorities, and women—employed their political agency to demand inclusion and participation in the building of the multi-ethnic, multilingual and multi-religious Federal Democratic Republic of Nepal. Despite political instability, the Constitution of Nepal was finally promulgated in September 2015.

According to the 2015 Constitution, the Government of Nepal has been mandated with enacting legal reforms that adhere to international human rights standards. One major achievement of civil society organizations (CSOs) is the enshrinement of every citizen's fundamental rights to food, food security, and food sovereignty. These rights are currently being defined, with input from CSOs, in a *Right to Food Bill*.²⁵

USING THE TENURE GUIDELINES TO DEBATE LAND, RIVER AND FOREST USER RIGHTS

In Nepal, between 2014 and 2016, a series of sensitization workshops on the Tenure Guidelines brought together state actors and CSOs to discuss the challenges of tenure governance in the context of food insecurity, and how to mainstream the Tenure Guidelines into legislation. Several areas of relevance were identified,

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²¹ The Tenure Guidelines were endorsed in May 2012 by the reformed United Nations Committee on World Food Security, and contain a set of standards for the recognition, recording and protection of tenure rights. They prioritize vulnerable and marginalized people. FAO. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Rome: FAO, 2012. Available at: www.fao.org/docrep/016/i2801e/i2801e.pdf. For more information on the implementation of the Tenure Guidelines, please see Monsalve Suárez, Sofia. "The Recently Adopted Guidelines On The Responsible Governance Of Tenure Of Land, Fisheries And Forests: A Turning Point In The Global Governance Of Natural Resources?" *Right to Food and Nutrition Watch* (2012): 37–40. Available at: www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2012_eng.pdf#page=37.

²² Protected areas in Nepal are national parks, wildlife and hunting reserves, and conservation areas.

²³ For more information on the ratification status for Nepal, please visit: www.ohchr.org/EN/ProfessionalInterest/Pages/UniversalHumanRightsInstruments.aspx.

²⁴ Indigenous peoples comprise approximately 40% of the population in Nepal, but ethnic identities are still debated. For more information, please see: Gellner, David. "Caste, Ethnicity and Inequality in Nepal." *Economic and Political Weekly* 42:20 (2007). Available at: www.epw.in/journal/2007/20/nepal-towards-democratic-republicspecial-issues-specials-caste-ethnicity-and.

²⁵ For more information on CSOs' position on the draft Right to Food Bill, please see: www.fiannepal.org/suggestions-on-draft-right-to-food-bill-from-csos.

amongst others: property rights and joint titling for women; tenure security for the landless and for victims of the 2015 earthquake; community forest land rights; land rights for climate refugees and 'development'-induced displaced peoples; and informal tenure rights of people dependent on natural resources.

Workshop participants recognized that there is a gap in the land administration system regarding the tenure insecurity of communities who sustain their livelihood from land, fisheries and forests through unregistered tenure arrangements. They underscored that this is partly due to a siloed approach to governance, overlapping mandates, and gaps, leading to legislative dysfunction and lack of inter-ministerial coordination in addressing people's claims to tenure rights. Land mapping and titling is the remit of the Ministry of Land Reform and Management; fisheries, of the Ministry of Agricultural Development; forests, of the Ministry of Forests and Soil Conservation; and, therein, national parks come under the Department of National Parks and Wildlife Conservation, whilst the Finance Ministry allocates budgets for compensation and rehabilitation of affected communities.

Furthermore, the discussion in Part Three of the Tenure Guidelines on "indigenous peoples and other customary communities", which draws from existing international provisions, underpinned the debate on how these marginalized peoples can reinforce their existing demands for stronger user rights over rivers and forests.

In Nepal, land reform policies have thus far centered on the use and distribution of land to address competing interests and to achieve uniformity in the land administration system. Historically, authorities converted lands inhabited by indigenous peoples to state-controlled land and expropriated habitats, water and forests that were communally owned by them.²⁶ Later, Nepal institutionalized communal tenure through delegated management of community forests,²⁷ by devolving decision-making.²⁸ Yet, despite improved forest cover and livelihoods following decentralized planning, local user groups initially mirrored socioeconomic discrimination, especially against indigenous women.²⁹

Non-statutory rights (i.e. customary rights deriving from local socio-cultural and religious customs) as well as informal and collective usufruct rights are still not formally recognized.³⁰ Traditional land tenure systems on diverse ancestral lands were abolished, but some customary arrangements, including artisanal fisheries, persist.³¹ As indigenous peoples selforganize,³² their claims to non-statutory rights, and to grazing areas, rivers and forest goods are reinforced. Nepal's adoption of the International Labor Organization *Indigenous and Tribal Peoples Convention* 169 (1989) and the United Nations Declaration on the Rights of Indigenous Peoples in 2007, mobilization in ethnic identity politics, and some alliances with NGOs, have strengthened communities' demands for devolution, access to and control over natural resources and the need for free, prior and informed consent.

Against this backdrop, one specific struggle in which the Tenure Guidelines have become an additional tool for civil society to exert pressure on policy makers is the longstanding conflict over accessing natural resources around protected areas. Here, communities have habitually been displaced from their natural and cultural habitats and their traditional food gathering practices hampered, on the pretext of conservation.³³ Today, the struggles of indigenous communities in Nepal have become intertwined with the enactment of Nepal's 2015 Constitution, the enshrinement of the Right to Food and Food Sovereignty, and the implementation of the Tenure Guidelines.

- 26 National Coalition Against Racial Discrimination. *Universal Periodic Review: Submission on the Human Rights Situation of Indigenous Peoples*. March, 2015. Available at: www.ncard.org.np/newsdetail/nepal-universalperiodic-review-submission-on-the-human-rights-situation-of-indigenous-peoples.html.
- 27 For more information, please visit: www.fecofun.org.np.
- 28 This is in line with the *Local Self Governance Act* (1999). For more information, please see: www.np.ndp.org/content/dam/nepal/docs/reports/governance/UNDP_NP_Local%20Self-Governance%20Act%201999,%20MoL,HMG.pdf.
- 29 For more information on how redressing social exclusion has since been emphasized in some communitymanaged forests, please see: Gilmour, Don. *FAO Forestry Paper: Forty years of community-based forestry: A review of its extent and effectiveness*. Rome: FAO, 2016.
- 30 COLARP. "Customary Land Rights of Indigenous People in Nepal: Issues and Lessons." *Policy Brief* 5 (2016). Available at: colarp.org.np/wp-content/uploads/2016/09/Policy_brief_Aug_2016_final_for_Print.pdf.
- 31 COLARP. "Indigenous peoples and Land tenure practices: Contemporary debates and issues in Nepal." *Policy Brief* 7 (2017). Available at: colarp.org.np/wp-content/uploads/2017/02/IPs-and-Land-tenurepractice-Contemporary-Debate-and-Issues-A-Policy-Brief_COLARP_ILC_NES_Nepal2.pdf.
- 32 For more information, please visit: www.nefin.org.np/list/Definition-of-Indigenous/5/94/4.
- 33 Although protected areas are not explicitly mentioned in the Tenure Guidelines, CSOs recommended this potential application. For more information, please see: International Planning Committee for Food Sovereignty. *People's Manual on the Guidelines on Governance of Land, Fisheries and Forests: A guide for Promotion, Implementation, Monitoring and Evaluation*. Available at: www.foodsovereignty.org/wpcontent/uploads/2016/06/peoplesmanual.pdf.

TOWARDS THE RIGHT TO FOOD AND FOOD SOVEREIGNTY: STRUGGLES FOR ACCESS TO FORESTS AND RIVERS

The protected areas established on government land since the 1970s have appropriated 65% of ancestral territories of indigenous peoples, thus impacting their tenure regimes. National parks and wildlife reserves are governed by the *National Park and Wildlife Conservation Act* (1973) (hereinafter *Conservation Act*) and these areas now make up approximately 25% of Nepal's landmass. They are a tourist attraction, generate income, and are thus an important political issue.³⁴ The management of these protected areas has long been contested by grassroots communities.³⁵ Moreover, the *Convention on Biological Biodiversity*,³⁶ which Nepal is party to since 1992, promotes equity and benefit sharing. Accordingly, in 1993, the *Conservation Act* was amended to include the establishment of habitable Buffer Zone Areas, provisions for compensations for loss of crops and life to wildlife, and the allocation of 30–50% of revenue generated to local communities for development. However, divergences between theory and practice fuel discontent over 'participatory' approaches.

Restrictive rules over conservation of biodiversity have had deep socio-cultural consequences for indigenous communities.³⁷ Blocked access to protected areas undermines the livelihoods and eating habits of local peoples, who depend on forests for collecting firewood, grass for fodder, medicinal herbs, and seasonal wild fruits and vegetables. CSOs have long raised their voices against park authorities, and have defended the need to harmonize policies and practices. In 2016, a study commissioned by FIAN Nepal highlighted that although some small-scale fishers (the Majhi and Sonaha amongst others) have received fishing permits, the measures remain restrictive and their artisanal nets are frequently seized. Furthermore, these traditional livelihoods suffer from the impacts of climate change, pollution and development. Ethnic boat-peoples (the Bote) compete against hotels for boat licenses, excluding many from an inherited occupation and income opportunity. Cow and buffalo rearing has declined, impacting people's living standards. As wild animals are on the increase, so is the destruction of crops, property and domestic livestock. Army personnel, employed to protect conservation areas, are a threat, as they continue to harass and humiliate locals. Many women are victims of sexual assault.

In September 2016, the Ministry of Forest and Soil Conservation initiated the Fifth Amendment of the *Conservation Act*. That same month, FIAN Nepal facilitated a national workshop on the Tenure Guidelines to raise the issue of informal tenure and user rights, and to foster a dialogue between civil society and the government. The workshop provided a platform for buffer zone dwellers to share their demands with Members of Parliament from the Environment Protection Committee (EPC). The deliberation became an opportunity for assessing the *Conservation Act* in line with the Tenure Guidelines, and for strengthening the political leverage of CSOs over the amendment process.

Thereafter, the Indigenous Peoples' Protected Areas Forum, a CSO, met with Buffer Zone Council Presidents and the EPC to discuss the amendment proposals, and to assert their rights to participation and dignity.³⁸ They wrote a 21-point list of demands, including: enhanced participatory management of protected areas; increased benefit-sharing; appropriate compensation; access to rivers for traditional occupations; and access to forests for non-timber products (e.g. medicinal herbs), which are vital to their livelihoods. The letter was submitted to

34 For more information on the revenue generated through tourists, please see: kathmandupost.ekantipur.com/printedition/news/2015-08-12/cnp-top-revenue-generator.html.

35 Paudel, Naya, Sudeep Jana and Jailab Rai. "Protected areas and rights movements: The inadequacies of Nepal's participatory conservation." *Forest Action Discussion Paper Series* 10:3 (2010). Available at: www.forestaction.org/app/webroot/js/tinyMCE/editor/plugins/filemanager/files/4.%20Dec%20Protected%20areas%20and%20rights%20movements%20-%20discussion%20paper%202010.%2010.3.pdf.

36 For more information, please visit: www.cbd.int/convention/text/default.shtml.

37 Pimbert, Michel and Krishna Ghimire. *Social Change and Conservation: Environmental Politics and Impacts of National Parks and Protected Areas*. London: Earthscan, 1997.

38 For more information, please see: www.fiannepal.org/multi-stakeholders-consultation-workshop-on-proposednational-park-and-wildlife-conservation-act-2019-for-amendment/.

the Ministry of Forests and Soil Conservation. In March 2017, the *National Parks and Wildlife Conservation (Fifth Amendment)* Bill was endorsed by the Parliament and the President. It incorporates some concerns of buffer zone communities—especially of women—for access to forests and rivers for wild fruits, forest foods, medicinal herbs and fish. It now remains to be implemented on the ground.

THE STRUGGLE FOR RESPONSIBLE GOVERNANCE OF NATURAL RESOURCES CONTINUES

The experience of Nepal shows that the Tenure Guidelines—and the emphasis placed on dialogue with the most affected—support the revision of legal frameworks on land, forests and rivers, whilst also highlighting normative gaps. By drawing from language in the Tenure Guidelines, affected peoples have framed the longstanding park-people conflict as a struggle for the responsible governance of tenure of natural resources and informal tenure rights, and have drawn attention to the need to address these in the constitutional law-making process. These spaces of dialogue between state actors and CSOs are an opportunity for the state of Nepal to recognize that, without prior consultation, legal reforms are not compatible with practices on the ground, and without the coordination of concerned ministries, there is no implementation of people-centered policies and laws. More importantly, without access to natural resources, there is neither food sovereignty nor the progressive realization of the human right to adequate food and nutrition.

INSIGHT 5.2 Time for a Change in European Land Governance!

*Attila Szocs-Boruss Miklos, Antonio Onorati, Federico Pacheco, Ivan Mammanna and Giulia Simula*³⁹

Smallholdings are the backbone of European agriculture. Small farms (less than 5 hectares) constitute 69% of farms in the European Union (EU) farms while only 2,7% of farms are bigger than 100 h.⁴⁰ According to the UN, these small-scale farmers produce 70% of our food and yet at the same time they are increasingly pushed out of their land to leave space for corporations, agribusinesses and governments' investments in the name of 'development'. Land transactions in the EU are regulated mainly through the rules governing the internal market, which are based on the freedom of capital, persons, goods and services.⁴¹ Land is considered a commodity—just as any other—that any citizen or company can buy without any restriction. This has resulted in a situation where tens of thousands of small-scale farmers are being forced out of farming every year, while large farms, agribusinesses, speculative investment funds, energy projects and others are expanding their control over agricultural land widely and rapidly.⁴² These land grabs constitute not only an infringement of peasants' rights to land and other natural resources,⁴³ but also a real threat to food security and food sovereignty at the global level.⁴⁴

Mega-projects such as mines, railway networks, airports and solar farms as well as commercial agriculture projects are not the only reasons why peasants are forced out from the countryside. Discrimination against peasants is entrenched in policies and regulatory structures, such as the Common Agricultural Policy (CAP), that benefit big landowners and lead to further land concentration. In the EU, in 2010, 3% of the biggest farms owned 52% of farmland, while 75% of

³⁹ Attila Szocs-Boruss Miklos is a peasant from Romania and the coordinator of the Land Rights Campaign of Eco Ruralis. Antonio Onorati is a peasant, activist, and member of Associazione Rurale Italiana (ARI) and Centro Internazionale Crocevia. ARI and Eco Ruralis are national peasant organizations in Italy and Romania respectively, and members of the European Coordination Via Campesina (ECVC). Federico Pacheco is responsible for food sovereignty at Sindicato de Obreros del Campo (SOC-SAT), a union of seasonal workers in Andalucía defending the rights of rural workers and migrants and struggling for agrarian reform and peasant agriculture. Ivan Mammanna and Giulia Simula are, respectively, the coordinator and a staff member of the ECVC office, based in Brussels. Special thanks to Philip Seufert (FIAN International) and Priscilla Claeys (Coventry University and FIAN Belgium) for their support in reviewing this article.

⁴⁰ ECVC, Confédération Paysanne and Envie de Paysans. "How can Public Policy Support Small-Scale Family farms?". Available at: www.eurovia.org/wp-content/uploads/2016/03/maquette-ecvc-pdf-ena.pdf.

⁴¹ Kay, Sylvia, Jonathan Peuch and Jennifer Franco. *Extent of Farmland Grabbing in the EU*. Brussels: European Parliament, 2015. Available at: [www.europarl.europa.eu/RegData/etudes/STUD/2015/540369/IPOL_STU\(2015\)540369_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2015/540369/IPOL_STU(2015)540369_EN.pdf).

⁴² ECVC and Hands off the Land. *Land concentration, land grabbing and people's struggles in Europe*. Amsterdam: TNI, 2013. Available at: www.tni.org/en/publication/land-concentration-land-grabbing-and-peoples-struggles-in-europe-0.

⁴³ Monsalve Suárez, Sofia. "The Right to land and other Natural Resources." *FIAN International Briefing* (December, 2015). Available at: www.fian.be/IMG/pdf/droit_a_la_terre_uk.pdf.

⁴⁴ For a definition of land grabbing according to ECVC, please see: "How do we define land grabbing?" Available at: www.eurovia.org/how-do-we-define-land-grabbing/.

the farms owned only 11% of farmland, making the EU one of the regions with the most unfair land distribution.⁴⁵ With a Gini co-efficient of 0.82,⁴⁶ current land inequality in the EU is similar to countries such as Brazil, Colombia and the Philippines, countries that are known for their unequal land distribution.⁴⁷

Access to land and natural resources is particularly difficult for marginalized groups (such as landless people), young people and women. Increased competition over land raises the price, making it almost inaccessible for young people interested in taking up farming to make a living, in particular if their families do not own any land. As a result, only those who have the financial capacity to absorb high land prices or those who get into debt are able to enter farming. Women are in an especially vulnerable position. National and European policies such as the CAP neglect the structural causes of inequality between women and men in the rural domain and lack mechanisms to promote equitable access to land and natural resources and to abolish the patriarchal structure of land possession.⁴⁸

Ensuring peasants' access to and control over land and natural resources is central in the struggle for food sovereignty for both urban and rural areas. Peasant women and men play an essential role in maintaining and fostering biodiversity. They create employment, including for young people, and constitute an irreplaceable dimension of European cultural heritage by preserving the diversity of local seeds, plants, agricultural systems and produce.⁴⁹

Grassroots struggles throughout Europe have made the land issue more and more visible throughout the years and constitute the basis for the mobilization strategy that the European Coordination Via Campesina (ECVC) and its close allies have developed to target EU institutions. Ongoing struggles to regain control over land are countless: from the historical land occupations of the Union of Agricultural Workers (SOC) in Andalusia, Spain; to the Zone to Defend (ZAD) movement in France that has occupied the land to counter the construction of an airport for more than 40 years; to the great achievements of the Romanian peasants' organizations, which managed to stop the creation of one of the largest gold mines in Roşia Montană thanks to public mobilization. Other remarkable struggles to protect land include the strong mobilization of more than 50 citizens' committees in Sardinia, Italy, against massive speculative energy and mining projects; and the success of public mobilization in Abruzzo that managed to completely block the tar sands industry's initiatives by Italian transnational energy companies.⁵⁰

These are just a few of the thousands of land struggles that seek to protect peasants and territories around Europe. Yet despite the widespread social mobilization at the local level, EU institutions, backed by landowner organizations such as the European Landowner Organization, did not recognize the issue of land as a major European problem for a long time. As a response, ECVC members organizations met in Romania in 2012 to develop a joint European strategy, and established a solidarity mechanism among different land struggles in Europe. Since then, its member organizations together with the Hands off the Land (HOTL) network,⁵¹ and more broadly the food sovereignty network, mobilized to gather evidence of land concentration in Europe and to oppose this process at the institutional level.

A report published in 2013 by ECVC and HOTL showed—based on case studies from 12 countries—that land grabbing and access to land have become critical issues in Europe.⁵² It also revealed that the CAP's direct payment scheme—which links subsidies to the farm size and thus provides incentives for the creation of bigger farms—is an important factor leading to land concentration in Europe.

45 TNI infographics. Available at: www.tni.org/en/publication/land-for-the-few-infographics.

46 *Ibid.* The Gini coefficient measures inequality in land distribution.

47 Kay *et al.*, *supra* note 41.

48 ECVC and Hands off the Land, *supra* note 42.

49 *Ibid.*

50 *Ibid.*

51 The Hands off the Land (HOTL) project aimed to raise awareness about land grabbing amongst the European public. This network then became Hands ON the Land.

52 ECVC and Hands off the Land, *supra* note 42.

Some of the ongoing struggles by peasant organizations and grassroots groups for access to and control over natural resources were analyzed in this report, which was the first of its kind and brought the issue of land to the European public.

Access to and control over land and natural resources is affected by a range of EU policies and regulations (such as the aforementioned CAP subsidy scheme, and the European energy policy), which requires the EU to provide guidance and proactively contribute to tackling land concentration and land grabbing at the European level. To date however, most member states and EU institutions claim that land falls exclusively under the remit of member states and are reluctant to address this issue from a European perspective and to develop policy proposals opposing land grabbing, limiting land concentration, facilitating access to land for new entrants and women, and ensuring good land stewardship.

In early 2015, ECVC together with its allies submitted a petition called "Preserving and managing farmland as our common wealth" to the European Parliament (EP), as a way to push the land issue onto the EU agenda.⁵³ Over 70 European and national civil society organizations including farmers' unions and rural development organizations supported the petition.⁵⁴ In June 2015, the Committee on Agriculture and Rural Development (COMAGRI) held a meeting to present and discuss the results of a Transnational Institute (TNI) study commissioned by the EU Parliament, entitled "Extent of Farmland Grabbing in the EU".⁵⁵ The same year, the European Economic and Social Committee of the EU also recognized the problem and produced its own opinion document on land grabbing as a threat to family farming.⁵⁶

In 2016, following the widespread support of the petition, and the work done in COMAGRI, ECVC with the HOTL network called upon EU institutions to adopt a new directive on land based on the Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (hereinafter Tenure Guidelines), unanimously endorsed by the UN Committee on World Food Security in 2012.⁵⁷ ECVC and its allies also demanded that the EU radically reform the direct payments of the CAP, and assess the impact of EU policies affecting land use and allocation. In 2016, in response to public pressure, the EP finally decided to take action and started a process for an own-initiative report (INI) on land concentration and access to land in the EU, which was adopted by the EP on April 27, 2017.⁵⁸

The INI report drafting process was not an easy task because the EP is reluctant to reform the land tenure system, not least because of strong lobbying by agribusiness. Nevertheless, through intense work by ECVC and the Hands on the Land for Food Sovereignty Alliance (HotL4FS),⁵⁹ and thanks to a good collaboration with some EP members, many requests put forward by peasant movements in the 2015 petition were included in the INI report. Some of the most important demands are the following:

- The set up of a Land Observatory to monitor land transactions. A central European Observatory would serve to gather essential data and information on the level of farmland concentration. The main tasks of the Observatory would involve recording land prices and market behaviour; changes in land use and loss of farmland; trends in soil fertility and land erosion;

53 ECVC. "Petition to the European Parliament. Preserving and managing European farmland as our common wealth: A CSO Call for a sustainable and fair EU governance of farmland". February, 2015. Available at: www.eurovia.org/wp-content/uploads/2016/03/ep_petition_land_vf_24feb2015_en.pdf.

54 For more information, please see: www.accesstoland.eu/-EU-Policy-.

55 Kay et al., *supra* note 41.

56 European Economical and Social Committee (EESC). *Opinion of the EESC on Land grabbing—A warning for Europe and a threat to family farming (own-initiative opinion)*. Brussels: EESC, 2015. Available at: www.accesstoland.eu/IMG/pdf/eesc-2014-00926-00-00-ac-tra-en.pdf.

57 FAO. *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*. Rome: FAO, 2012. Available at: www.fao.org/docrep/016/i2801e/i2801e.pdf.

58 For more information, please see: www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2017-0197+0+DOC+PDF+V0/EN.

59 Hands on the Land for Food Sovereignty (HotL4FS) is a collective campaign by 16 partners, including peasants and social movements, development and environmental NGOs, human rights organizations and research activists, aiming to raise awareness on the use and governance of land, water and other natural resources and its effects on the realization of the right to food and on food sovereignty. For more information, please visit: www.handsontheland.net.

- The development of clear EU guiding principles on land governance based on the Tenure Guidelines;
- The call to monitor all relevant policy areas, such as agriculture, energy, environment, regional development, mobility, finance and investment and to see whether they encourage or counteract the concentration of agricultural land in the EU; and
- The acknowledgement that the CAP and other European policy areas instigate land concentration in Europe. To respond to this a high level task force should examine the impact of EU policies on land concentration.⁶⁰

ECVC members, working at the grassroots level, show the diversity of tools available to keep land in the hands of those who work it, including land occupations, the establishment of land banks, collective buying and social use, and new farm transmission systems. The capacity of local organizations to give visibility to the land struggles at the local level is central as these struggles put pressure on member states that negotiate in European institutions. Yet the hard work at the local level will not be enough unless the food sovereignty movement can influence major political processes such as the CAP and oppose the principle of free movement of capital being falsely applied to a common resource such as land.⁶¹

This process shows how organized and coordinated political action at the EU level and social mobilization can lead to important achievements. Now that the EP's own-initiative report has been adopted, the European Commission and EU member states will be held accountable by civil society and peasant organizations to develop policies that prevent land speculation and which ensure fair land tenure systems, allowing the European peasantry to have secure and stable access to and control over land and land-related resources.

Local struggles have brought local victories and coordinated struggles have brought the food sovereignty movement one step closer to changing land management at the European level. Now that the land issue in Europe has been brought to the attention of EU institutions, ECVC and European peasants will continue the struggle for food sovereignty and for the right to land in Europe,⁶² together with the Nyéléni Europe network.⁶³

60 For more information, please see: www.eurovia.org/european-parliament-calls-for-urgent-action-on-land-access-and-concentration-in-europe/; and www.handsontheland.net/time-to-change-europes-land-policy/.

61 The free movement of capital is one of the 'four freedoms' which constitute the European common market (the others are the free movement of goods, services and persons).

62 For more information, please see: ECVC. "There can be no Declaration on the Rights of Peasants without the right to land". ECVC, December 6, 2016. Available at: www.eurovia.org/there-can-be-no-declaration-on-the-rights-of-peasants-without-the-right-to-land/; ECVC. *Access to Land for Farmers in the EU: Conference Report*. Hands on the Land, December 2016. Available at: www.eurovia.org/event/access-to-land-for-farmers-in-the-eu-conference-report/; and ECVC. "Time for a change in European Land Governance?" ECVC, October 11, 2016. Available at: www.eurovia.org/time-for-a-change-in-european-land-governance/.

63 Nyéléni Europe is the widest international movement aiming to realize food sovereignty in Europe. It aims to build common strategies in order to re-organize the way we structure our society around food and agriculture today. For more information, please visit: nyeleniurope.net.

FACED WITH CLIMATE CRISIS, LOOK TO PEOPLES' SOLUTIONS

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“To allow the market mechanism to be sole director of the fate of human beings and their natural environment indeed, [...] would result in the demolition of society.”

Karl Polanyi, *The Great Transformation* (1944)¹

Each year we hear ever more frequent news about rising global temperatures and so-called extreme weather events (floods, hurricanes, droughts etc.). The impact of these events on people is becoming increasingly more obvious, especially in regard to the risk posed to the realization of the human right to adequate food and nutrition.

In the search for solutions, we must recognize that beyond this circumstantial scenario lies a systematic crisis, and thus it is more appropriate to speak of a climate or environmental crisis.

In order to understand the current situation it is vital that we appreciate the role played by the following four factors, developed over the last forty years: the subjugation of the real economy to the financial sphere (financialization); the proliferation of an economistic analysis for all aspects of life; the failure of the ‘Rio Process’; and the financialization of nature as one of the central elements of capital accumulation in the neoliberal era.

In other words, the global economy has become a casino where everything is speculated upon and the interests of the financial sector override the needs of the people.² Along with financialization, there is an obvious and urgent need to reduce greenhouse gas (GHG) emissions and loss of biodiversity, and these have now become a profitable business opportunity.

IT IS THE CAPITALIST SYSTEM

According to the Intergovernmental Panel on Climate Change (IPCC),

Anthropogenic greenhouse gas emissions have increased since the pre-industrial era, driven largely by economic and population growth, and are now higher than ever. This has led to atmospheric concentrations of carbon dioxide, methane and nitrous oxide that are unprecedented in at least the last 800,000 years. Their effects, together with those of other anthropogenic drivers, have been detected throughout the climate system and are extremely likely to have been the dominant cause of the observed warming since the mid-20th century.³

The IPCC also notes that “CO₂ emissions from fossil fuel combustion and industrial processes contributed about 78% to the total GHG emission increase between 1970 and 2010. [...] This increase directly came from the energy (47%), industry (30%), transport (11%) and building (3%) sectors”.⁴

A more detailed analysis of such data, prepared by Grain, on how the “industrial food system contributes to the climate crisis”, concludes that this system generates between 44% and 57% of GHG emissions,⁵ which raises the urgent need to transform the current system of production, distribution and consumption of food.

What is the role of different countries and regions in the generation of the climate crisis and its impacts? Industrialized countries are historically responsible because they have emitted the vast majority of greenhouse gases,

Acknowledgements

This article reflects a historical record of social movements that fight for social, economic and environmental (especially climate) justice. Special thanks to José Elosegui (Radio Mundo Real) and Antonio Onorati (Centro Internazionale Crocevia) for their support in reviewing this article.

Photo

Woman participating in the D12 protest for climate justice (Paris, France, 2015). Photo by Ronnie Hall.

1 Polanyi, Karl. *The Great Transformation*. 1944.

2 Friends of the Earth International (FoEI). Nature is Not For Sale. 2012. Available at: www.foei.org/resources/publications/publications-by-subject/climate-justice-energy-publications/nature-is-not-for-sale.

3 IPCC [Core Writing Team, R.K. Pachauri and L.A. Meyer, eds]. *Climate Change 2014. Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*. Geneva: IPCC. p. 4. Available at: www.ipcc.ch/pdf/assessment-report/ar5/syr/SYR_AR5_FINAL_full.pdf.

4 *Ibid.*, p. 48.

5 Grain. *The Great Climate Robbery. How the food system drives climate change and what we can do about it*. 2016. pp. 4–9. Available at: www.grain.org/article/entries/5354-the-great-climate-robbery.

creating irreversible damage to global climate patterns.⁶ The Kyoto Protocol⁷ recognized this with the principle of common but differentiated responsibilities, which formed the basis of the first commitment period of GHG emissions reduction between 2008 and 2012.

We can therefore say that industrialized countries and domestic elites from the Global South have an ecological debt⁸ of a political nature. This is as a result of the existence of both international and class differences in responsibilities in response to the challenge to climate change. It is not by chance that those regions and countries with the highest levels of inequality are also the most vulnerable to the impacts of climate change.⁹

It is crucial to recognize that the economic and demographic growth referred to in the IPCC report is the result of the capitalist model, whose main actors are transnational corporations and their associated domestic elites. This model is based on the use of fossil fuels; the extraction and destruction of natural heritage; large-scale, industrial production methods, mainly oriented to international trade; and increasing consumption patterns.

In other words, the climate crisis we are now experiencing is inextricably linked to the model of production, distribution and consumption, as well as the cultural model and values behind it. Therefore, the climate crisis is also a systemic crisis.

POLICIES TARGETING THE CLIMATE CRISIS OFFER FALSE SOLUTIONS

Twenty-five years have passed since the United Nations (UN) Conference on Environment and Development¹⁰ which was held in Rio de Janeiro (Brazil); since then there have been dozens of conferences of parties for the institutions that were created there. Not only have we made no further significant progress on the protection of people's way of life and biodiversity but, on the contrary, climatic imbalances, loss of biodiversity and desertification have accelerated.

In 1992, the UN Framework Convention on Climate Change (UNFCCC) was established. This institution is where the main commitments and guidelines were agreed upon in terms of adaptation, mitigation and financing. The solutions implemented so far have focused on maintaining existing economic and political structures, while seeking new opportunities for the development of markets and goods. This works in the interests of transnational corporations (TNCs) and their associated domestic elites.

To explain this process, Kosoy and Corbera (2010) propose a three stage process in the commodification of nature: "First, it involved narrowing down an ecological function to the level of an ecosystem service, hence separating the latter from the whole ecosystem. Second, it assigns a single exchange-value to this service and, third, it links 'providers' and 'consumers' of these services in market or market-like exchanges".¹¹

Neoliberalism "has unquestionably rolled back the bounds of commodification and greatly extended the reach of legal contracts"¹²—especially short-term contracts—and this logic has had disastrous consequences on the environment;¹³ by assuming that, generally, depletion of natural resources is linear. It is not widely known that it is clearly evident that "many ecological systems crash suddenly after they have hit some tipping point beyond which their natural reproduction capacity cannot function".¹⁴

6 For more information, please see: unfccc.int/kyoto_protocol/items/2830.php.

7 United Nations. *Kyoto Protocol to the United Nations Framework Convention on Climate Change*. 1998. Available at: unfccc.int/resource/docs/convkp/kpeng.pdf.

8 For more information, please see: Pérez Rincón, Mario Alejandro. Comercio Internacional y Medio Ambiente en Colombia. PhD diss., Institut de Ciència i Tecnologia Ambientals (ICTA) Barcelona, 2006. p. 194. Available in Spanish at: www.tdx.cat/bitstream/handle/10803/4072/mapr1de1.pdf.

9 IPCC, *supra* note 3. p. 57.

10 UN Convention on Biological Diversity (CBD), UN Framework Convention of Climate Change (UNFCCC), and UN Convention to Combat Desertification (UNCCD).

11 Kosoy, Nicolás, and Esteve Corbera. "Payments for Ecosystem Services as Commodity Fetishism." *Ecological Economics*, 69 (1): 1229.

12 Harvey, David. *A Brief History of Neoliberalism*. Oxford: Oxford University Press. 2005. p. 166.

13 *Ibid*, p. 172.

14 *Ibid*, p. 174.

- 15 *Ibid.*
- 16 Grupo Carta de Belém. *Quem ganha e quem perde com o REDD e Pagamento por Serviços Ambientais?* 2001. p. 4. Available in Portuguese at: br.boell.org/sites/default/files/downloads/documento_redd_carta_de_belem_nov_2011.pdf.
- 17 Fatheuer, Thomas. *Nueva economía de la naturaleza: Una introducción crítica*. Serie Ecología, vol. 35. México: Fundación Heinrich Böll. 2014. pp. 12–13. Available in Spanish at: mx.boell.org/es/2014/10/28/nueva-economia-de-la-naturaleza.
- 18 FoEI, *supra* note 2.
- 19 Barbesgaard, Mads. "Blue Carbon: Ocean Grabbing in Disguise?" *Policy Brief Issue* (February 2016). Available at: www.tni.org/en/publication/blue-carbon-ocean-grabbing-in-disguise.
- 20 For more information on corporate impunity, please see: An Interview with Civil Society. "The Treaty on TNCs and the Struggle to Stop Corporate Impunity." *Right to Food and Nutrition Watch* (2015): 39–45. Available at: www.righttofoodandnutrition.org/node/34.
- 21 Lang, Chris. "A very different kind of Walt Disney production: Conservation International's REDD project in the Democratic Republic of Congo." *WRM Bulletin* No. 169 (August, 2011). Available at: www.redd-monitor.org/2011/09/02/a-very-different-kind-of-walt-disney-production-conservation-internationals-redd-project-in-the-democratic-republic-of-congo/.
- 22 FoEI. New report: world's first big 'REDD' project violating indigenous people rights. December 6, 2011. Available at: www.foei.org/press/archive-by-year/press-2011/new-report-worlds-first-big-redd-project-violating-indigenous-people-rights.
- 23 FoEI. *How corporations rule - Part 3: Vale—leading the corporate lobby for easier offsetting and other false 'green' solutions*. Amsterdam: FoEI, 2012. Available at: www.foei.org/wp-content/uploads/2012/01/Vale-Case-for-web-English.pdf.
- 24 FoEI. *How corporations rule - Part 4: Anglo American's dirty energy lobby and its false climate solutions*. Amsterdam: TNI, 2014. Available at: www.tni.org/files/download/17/foei_corporate_capture_report_eng_mr.pdf; People's Summit. Final Declaration of People's Summit "at Rio+20" for Social and Environmental Justice in defence of the commons, against the commodification of life. Rio de Janeiro, 2012. Available at: globalforestcoalition.org/wp-content/uploads/2012/07/PeoplesSummit-Final-Declaration-ENG.pdf; People's Summit. *Declaration of the People's Summit on Climate Change*. Lima, 2014. Available at: <http://climateandcapitalism.com/2015/01/18/peoples-climate-summit-speaks-exploited-oppressed/>.
- 25 For more information, please see the article "Building New Agrifood Systems: Struggles and Challenges" in this issue of the *Right to Food and Nutrition Watch*.

We are facing a new process of primitive accumulation, which Harvey describes as a "process of accumulation by dispossession".¹⁵ In practice, this means that people living in those territories become identified as 'environmental suppliers' or 'service providers', and that has important implications for their way of life and for their identity as political subjects and as standard bearers for a project for alternative societies, recognized socially through their activities and historical struggles. This progress in mechanisms for appropriation of territories has been accompanied by a paralysis in public policies for public access to land¹⁶—local people being the true guarantors of nature.¹⁷

There is a presumption that the market is the best way to allocate resources and, in this case, solve environmental and climate problems. This then assumes not only the principle of 'polluter pays', but also 'polluter wins'. Nature and all of its 'assets' are now a new and necessary market, which will allow the system to recover from the economic-financial crisis that it has created.¹⁸ This effectively means selling nature to save it.¹⁹ It attempts to resolve the crisis by worsening its causes.

Market mechanisms are a way to sell 'rights to pollute or to extract' to companies and, at the same time, increase extractions (usually by the same corporations) in regions that are occupied by traditional communities, using the argument of environmental conservation. Some market mechanisms include: the Clean Development Mechanism (CDM), Reducing Emissions from Deforestation and Forest Degradation (REDD +), Climate Smart Agriculture (CSA) and the Blue Carbon Initiative. These various proposals come together under the term 'green (or blue) economy' as a supposed attempt to maintain economic growth and ensuring environmental protection. It could be said, therefore, that climate change policies are yet another form of 'impunity architecture',²⁰ to the extent to which they allow corporations to continue to destroy the planet.

In this sense, social movements and organizations refer to the solutions implemented by the UNFCCC as 'false solutions'. Not only do they fail to highlight the structural causes of the climate crisis, but also, in most cases in which these mechanisms have been implemented, they have generated additional conflict in the territories. For example REDD pilot projects in the Democratic Republic of the Congo²¹ and Indonesia,²² the choice of *Thyssen-Krupp Companhia Siderúrgica do Atlântico* TKCSA as CDM project in Brazil²³ or the use of compensation mechanisms for biodiversity in coalmines in Colombia.²⁴

THE REAL SOLUTIONS COME FROM THE PEOPLE

Solving the climate crisis requires a true transformation: A transformation that either needs to be systemic or not at all. Public policies that encourage and support the transition to sustainable models of production, distribution and consumption are essential,²⁵ and they should be implemented with public funds, full transparency and social oversight. To this end, it is critical to reverse the privatization of climate policies, as well as the commodification of nature and life.

There is also a need for a transition that dismantles the architecture of impunity for TNCs and domestic elites. A transition based on solidarity, social justice, environmental and gender rights, respect for the worldview of different peoples, the right to land, water and other territories, including cities. A transition that guarantees the right to education, healthcare, social security and a healthy

environment, built together with the people and against all forms of oppression, whether racial, ethnic, gender or sexual.

A transformation of the energy matrix and the food system is required, contributing to food sovereignty, as called for by La Via Campesina and built upon during the Forum for Food Sovereignty, in Nyéléni in 2007.²⁶ This called for food systems to be in the hands of the people and at the service of humanity, where small-scale producers (who produce 70–80% of the world’s food) play a crucial role. What’s more, as La Via Campesina and Grain explain, they can “cool the planet”.²⁷

This transformation requires women to be considered as subjects with full rights, and work “towards their autonomy and real equity”.²⁸ To achieve this it is essential to deconstruct patriarchy and eradicate all forms of violence and oppression against women. Additionally, the central role played by women since time immemorial in the development of food systems must be recognized.

“It is rural women, peasants and small-scale food producers, along with consumers who choose agroecological products from local markets, who hold the solution to the climate crisis”,²⁹ and they are vital for obtaining the human right to adequate food and nutrition.

Ultimately, peoples want to determine the who, what, why and wherefore of the commons, and to take popular control of their productive use.

26 Nyéléni Forum for Food Sovereignty. *Synthesis Report*. 2007. Available at: www.nyeleni.org/IMG/pdf/31Mar2007Nyeleni_SynthesisReport-en.pdf.

27 La Via Campesina, and Grain. *Together We can Cool the Planet!* 2016. Available at: www.grain.org/es/article/entries/5620-comic-book-together-we-can-cool-the-planet.

28 For more information, please see the article “From a Market Approach to the Centrality of Life: An Urgent Change for Women” in this issue of the *Right to Food and Nutrition Watch*.

29 La Via Campesina, and Grain, *supra* note 27.

THE THREE AGRIBUSINESS MEGA-MERGERS: GRIM REAPERS OF FARMERS' SOVEREIGNTY

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The ACB carries out research, analysis, capacity and movement building, and advocacy, and shares information to widen awareness and catalyze collective action and influence decisionmaking on issues of biosafety, agricultural biodiversity and farmer-managed seed systems in Africa. Its work both informs and amplifies the voices of social movements fighting for food sovereignty in Africa.

“Civil society groups globally are contesting [the] consolidation of the hegemony of large-scale commercial farming and corporate agri-business within agricultural value chains. This is driven by a strong ethos of food and seed sovereignty, supporting the struggles of peasants around the world to build alternative food systems.”

The global agricultural system is increasingly being shaped by corporations in their own interests. In the past 40 years we have witnessed a significant shift in power from nation states to corporations as the drivers in the global agri-food system.¹ There are multiple dimensions to this change, including trade liberalization, privatization, deregulation and reregulation in favor of corporate interests, and corporate globalization. This has led to greater authority to corporations to dictate systems of governance and allocate risk in production and distribution systems, and has generated waves of mergers and acquisitions resulting in corporate concentration. Nation states continue to play a role, but not so much as mediators of power relations between capital and national populations. States are increasingly subordinated to the logic of capital accumulation, economies of scale and concentration of technical and financial expertise. This era has also expanded financialization of the system in numerous ways. Since the birth of capitalism, finance has been an integral feature of the system—the lubricant that animates processes of production and distribution. However, in the contemporary era, financial capital relies increasingly on financial engineering to create products (such as derivatives) that enable profit without investment in productive processes.²

Acknowledgements

Special thanks to Jennifer Clapp (University of Waterloo), Stig Tanzmann (Bread for the World), Philipp Mimkes (FIAN Germany), Karine Peschard (Graduate Institute of International and Development Studies) and Priscilla Claeys (Coventry University and FIAN Belgium) for their support in reviewing this article.

Photo

Activists resisting against Monsanto (Córdoba, Argentina, 2015). Photo by Pablo Ernesto Piovano.

- 1 McMichael, Philip. “Global development and the corporate food regime.” In *New directions in the sociology of global development*, edited by Frederick H. Buttel and Philip McMichael. Amsterdam: Elsevier, 2005.
- 2 Bryan, Dick and Michael Rafferty. “Deriving capital’s (and labour’s) future.” *Socialist Register* 47 (2010): 196–223. an, Dick and Michael Rafferty. “Deriving capital’s (and labour’s) future.” *Socialist Register* 47 (2010): 196–223.
- 3 Einarsson, Peter. “Agricultural trade policy as if food security and ecological sustainability mattered: Review and analysis of alternative proposals for the renegotiation of the WTO Agreement on Agriculture.” *Globala Studier* 5 (2002).

It is well known that trade liberalization under the General Agreement on Trade and Tariffs (GATT) and then the World Trade Organization (WTO) from 1994 onwards exposed agricultural producers to the discipline of global ‘competition’, generating a relentless drive towards economies of scale. This distorted type of competition operates in a completely uneven playing field. The trade regime under the WTO is heavily rigged in favor of United States, European, Canadian and Japanese corporate interests.³ These advanced capitalist economies continue to provide enormous subsidies to corporations. This allows them to export surpluses below the cost of production, undermining productive activities by smaller producers around the world. The trade regime has forced the opening of trade even if this is not required through minimum market access agreements.⁴ Developing countries have been stripped of the tools that could allow them to build domestic production and protect strategic sectors (e.g. agriculture for food production); tools which the core capitalist economies used to protect and build their own industries in the face of global competitors in earlier eras.

The focus of this piece is on the three agribusiness mega-mergers taking place in agricultural biotechnology, seed and agrochemicals. These mergers are indicative of broader processes and the threats they pose to economic participation, social equity and ecological sustainability, as well as to food and seed sovereignty.

- 4 For more information on the impacts of the international 'free' trade regime on food governance, please see: Patnaik, Biraj. "Inequity Unlimited: Food on the WTO Table." *Right to Food and Nutrition Watch* (2015): 45-49. Available at: www.righttofoodandnutrition.org/node/40.
- 5 The ETC Group (2016) recently coined a new term to refer to this group: 'GenChem', from the combination of 'genomics' and 'chemical'.
- 6 Agrochemicals incorporates both crop protection and synthetic fertilizers, but in this paper we use the terms 'agrochemicals' and 'crop protection' interchangeably.
- 7 ETC. "Breaking Bad: Big Ag Mega-Mergers in Play Dow + DuPont in the Pocket? Next: Demonsanto?" *ETC Group Communiqué* 115. (December, 2015): 4. Available at: www.etcgroup.org/sites/www.etcgroup.org/files/files/etcbreakbad_23dec15.pdf.
- 8 FClapp, Jennifer. Bigger is not always better: Drivers and implications of the recent agribusiness megamergers. Waterloo: University of Waterloo, 2017. Available at: www.researchgate.net/publication/314206957_Bigger_is_Not_Always_Better_Drivers_and_Implications_of_the_Recent_Agribusiness_Megamergers.
- 9 Peries, Sharmini. "Dangers of the proposed Bayer-Monsanto merger." *The Real News Network*, September 22, 2016. Available at: therealnews.com/t2/index.php?option=com_content&task=view&id=31&Itemid=74&limit=17276.
- 10 For instance, the Competition Commission of India is currently assessing the impact on competition of the proposed merger of Dow and DuPont. The combined entity, if it goes through, could become the world's biggest chemical and materials company. For more information, please see: Bhutani, Shalini. "Why India's Competition Commission Must Stop the Dow and DuPont Merger." *The Wire*, April 13, 2017. Available at: thewire.in/122855/indias-competition-commission-must-stop-dow-dupont-merger/.
- 11 For example, the South African *Competition Act No 89 (1998)* includes public interest objectives in the preamble, as well as in its purpose, and these are explicitly detailed in sections of the act dealing with the assessment of exemptions and the assessment of mergers. However, these public interest issues must arise directly from new restrictions in competition and choice resulting from a proposed merger. Otherwise they will not be considered by the Commission.
- 12 Howard, Philip H. "Intellectual property and consolidation in the seed industry." *Crop Science* 55(6): 2489-2495.
- 13 Frison, Emile A. *From uniformity to diversity: A paradigm shift from industrial agriculture to diversified agroecological systems*. IPES-FOOD, 2016. Available at: www.ipesfood.org/images/Reports/UniformityToDiversity_FullReport.pdf.
- 14 For more information on these legal regimes, please see: Monsalve Suárez, Sofía, Maryam Rahmanian and Antonio Onorati. "Seeds and Agricultural Biodiversity: The Neglected Backbone of the Right to Food and Nutrition." *Right to Food and Nutrition Watch* (2016): 19-22. Available at: www.righttofoodandnutrition.org/seedsand-agricultural-biodiversity.

MERGING PRIVATE INTERESTS FIRST, PUTTING PEOPLES' LIVES SECOND

The global commercial seed and agrochemical sector is dominated by the proverbial 'Big Six' seed and agrochemical giants: BASF, Bayer, Dow, DuPont, Monsanto and Syngenta.⁵ These behemoths currently control 75% of the global agrochemical market,⁶ 63% of the commercial seed market and over 75% of all private sector research and development (R&D) in these sectors.⁷ This oligopolistic situation, which has already resulted in loss of peasant autonomy, deepened structural inequalities and environmental damage, is about to get a lot worse with three mergers, which are going through competition authorities at the time of writing: US chemical giants Dow Chemical and DuPont are set to merge, China National Chemical Corporation (ChemChina) is set to acquire Syngenta, and Bayer to acquire Monsanto.⁸ The proposed Bayer-Monsanto merger will give control of 30% of the world's commercial seed market and 25% of the world's commercial pesticide and herbicide (agrochemical) markets to just one company.⁹

Competition authorities in 30 countries are evaluating these mergers.¹⁰ Antitrust and competition laws typically focus on narrow competition issues within segmented markets and consider the mergers on a 'first-come, first-served' basis. Competition authorities do not take into account public interest issues, unless these are directly linked to competition matters.¹¹ The authorities will look at areas where merging companies have overlapping assets or their combined market share in a specific segment of the market (e.g. broad spectrum herbicides used on maize). But they are unlikely to consider the extent to which the mergers exacerbate the social inequities and ecological problems caused by industrial farming. What will not bear on decision-making is the effect of the dominance of a cartel-like technological platform in biotechnology traits, seed production and patented agrochemicals that lock out competition from alternative technologies and production systems. Significant cross licensing reinforces the dominance of this platform,¹² which is constructed around genetically engineered and hybrid seeds, and integrated with particular chemicals that cannot be 'uncoupled'; the traits, seed and chemicals form indivisible packages. The mergers will entrench this platform, as future R&D will be structured to seek ways of taking advantage of new combinations of intellectual property (IP), seed and chemicals available in the enlarged technology pool of the merged entities.

This dominant technological pathway is strongly characterized by specialization, especially in terms of the food crops that are researched and developed,¹³ resulting in a focus on only a few commercial crops and providing limited alternatives. Such a regime removes innovation from peasants and other people working in rural areas and converts them into passive recipients of top-down innovations that favor private corporate interests. IP protection—either through patents or plant variety protection based on the International Convention for the Protection of New Varieties of Plants (UPOV)—plays a critical role in entrenching market control, through long term exclusive ownership and control of technologies, licensing and bundling of technologies. This locks farmers into an externally constructed seed system, both obliging them to use proprietary brands and prohibiting them from exercising their historical rights to save, use, exchange and sell farm-saved seed, despite these rights being recognized in the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).¹⁴

- 15 For more information on the expansion and impact of glyphosate and other agrochemicals, please see Insight "A Fumigated and Undernourished Argentina Fights Back to Reclaim Food Sovereignty" in this issue of the *Right to Food and Nutrition Watch*. On the impact of glyphosate on human health, please see: African Centre for Biodiversity, Third World Network and GM Free Latin America. "What Next After a Ban on Glyphosate—More Toxic Chemicals and GM Crops? Or the Transformation of Global Food Systems?" June 30, 2015. Available at: acbio.org.za/what-next-after-a-ban-on-glyphosate-more-toxic-chemicals-and-gm-crops/.
- 16 For more information on peasants' struggles for recognition of their rights, please see: Kastler, Guy. "Peasants' Rights to their Seeds are at the Forefront of Human Rights." *Right to Food and Nutrition Watch* (2016): 24–25. Available at: www.righttofoodandnutrition.org/seeds-and-agricultural-biodiversity.
- 17 "AAI, FWW and NFU urge the U.S. Department of Justice to challenge the Dow-DuPont Merger. Pending biotech merger would harm consumers and small farmers." *Food and Water Watch*, May 31, 2016. Available at: www.foodandwaterwatch.org/news/aii-fww-and-nfu-urge-us-department-justice-challenge-dow-dupont-merger.
- 18 Alternative Information & Development Centre, supporters of the Southern Africa Campaign to Dismantle Corporate Power—Stop the Bayer/Monsanto merger! For more information, please visit: www.aicd.org.za; African Centre for Biodiversity's submission to the South African Competition Commission not to approve the Bayer/Monsanto merger. For more information, please visit: acbio.org.za/acb-submission-competitioncommission-bayer-monsanto-merger/.
- 19 "Marriage made in hell: Opposition rises to planned agriculture mega-mergers – major threat to our food and farms, says civil society." Friends of the Earth Europe, March 27, 2017. Available at: www.foeeurope.org/opposition-rises-planned-agriculture-mega-mergers-270317/.
- 20 Coupe, Stuart and Roger Lewins. Negotiating the Seed Treaty. Warwickshire: Practical Action Publishing, 2007. Available at: practicalaction.org/docs/advocacy/negotiatingseedtreatycoupe.pdf.
- 21 For more information on the role played by women in preserving seeds and biodiversity, please see: Pschorn–Strauss, Elfrieda. "African Food Sovereignty: Valuing Women and the Seed They Keep." *Right to Food and Nutrition Watch* (2016): 49–51. Available at: www.righttofoodandnutrition.org/african-food-sovereignty.
- 22 For more information on peasants' building resilience to climate change, please see the article "Faced with Climate Crisis, Look to Peoples' Solutions" in this issue of the *Right to Food and Nutrition Watch*.

The IP regime has permitted Monsanto to construct a dominant technological platform based on its own patented innovations, seed traits and agrochemicals. Of particular importance are its (now expired) patent on glyphosate herbicide,¹⁵ sold under its brand name 'Round Up', and thousands of patents on genetically modified (GM) traits, sequences and processes. Monsanto has been able to use licensing to control processes of innovation. All major seed companies produce on the basis of licensed technologies from Monsanto. Ironically, thus, despite the existence of global competition policies, all the merging companies are also locked into the technological platform built on Monsanto's patented biotechnology traits and agrochemical compounds built on the basis of a few core crops—maize, soybeans and cotton. The mergers will merely reinforce the stranglehold of this platform.

FIGHTING BACK THE MERGERS: PLANTING THE SEEDS OF A GLOBAL STRUGGLE

Civil society groups globally are contesting this consolidation of the hegemony of large-scale commercial farming and corporate agri-business within agricultural value chains. This is driven by a strong ethos of food and seed sovereignty, supporting the struggles of peasants around the world to build alternative food systems.¹⁶ In the United States, Food & Water Watch (FWW) and the National Farmers Union (NFU) have strongly challenged the merger between Dow and DuPont.¹⁷ Groups in South Africa have opposed the locking of agri-food systems into a high input technological pathway driven by corporate profitability and shareholder returns.¹⁸ In Europe, a coalition of groups representing millions of farmers and consumers oppose these mergers as 'a marriage made in hell', presenting major threats to Europe's food and farming systems.¹⁹

It is estimated that, globally, we have lost 90–95% of farmers' varieties over the last 100 years and that the rate of loss is 2% per year.²⁰ This has a huge impact on farmers' resilience and rights, and is ecologically unsustainable, because hybrid and genetically modified seed programs on offer by these merging entities are for a mere handful of commercial crops. In Africa, Asia and Latin America in particular, peasants and smallholder farmers—especially women—continue to play a central role in maintaining and enhancing agricultural biodiversity.²¹ However, corporate expansion into seed, soil health and crop protection is displacing this diversity. This poses serious threats to the long-term future of agricultural production linked to a natural base. Techno-utopian dreams, such as synthetic biology, to replace natural processes of food production will only widen the gap between the rich in their enclaves and those who are locked out of access to resources required to reproduce themselves and their communities. As long as control and access to technologies remain in the hands of private interests, each new technological wave will deepen social and ecological crises.

For peasants, the real challenge lies in increasing diversity and building resilience to climate change.²² What they need are holistic approaches to pest management and diverse, locally adapted varieties, which they can save and reuse without paying royalties. Peasants and consumers (and our ecosystems) also need a diversity of crops, both to diffuse risk in challenging farming conditions and to ensure a sound and diverse nutritional base.

The economic repercussions of concentration play out in an even more insidious manner for peasants and rural communities. As explained by the United

- 23 De Schutter, Olivier. "Addressing concentration in food supply chains: The role of competition law in tackling the abuse of buyer power." *Briefing Note* (2010). Available at: www.srfood.org/en/briefing-note-addressing-concentration-in-food-supply-chains.
- 24 Keith Fuglie *et al.*, "Rising concentration in agricultural input industries influences new farm technologies." *United States Department of Agriculture Economic Research Service*, December 3, 2012. Available at: www.ers.usda.gov/amber-waves/2012/december/rising-concentration-in-agricultural-input-industries-influences-new-technologies/.
- 25 ACB. "African Centre for Biodiversity's submission to the South African Competition Commission on Bayer-Monsanto merger." ACB, March 14, 2017. Available at: acbio.org.za/acb-submission-competition-commission-bayer-monsanto-merger/.
- 26 For more information on the role played by peasants in preserving seeds and agricultural biodiversity, and how this should be linked to the right to adequate food and nutrition, please see: Monsalve Suárez, *supra* note 14.
- 27 Marcos Ezequiel Filardi is a lawyer who specializes in human rights and food sovereignty. He is the coordinator of the Seminar on the Right to Adequate Food and Nutrition at the Law Faculty of the University of Buenos Aires (UBA), lecturer at the Chair for Food Sovereignty at the UBA School of Nutrition and member of the Network of Lawyers for Peoples' Food Sovereignty. For more information, please visit: derechoalaalimentacion.org. Special thanks to Medardo Ávila Vazquez (University Network for the Environment and Health, Network of Doctors of Fumigated Towns), Alicia Alem (Agroecological Movement of Latin America and Caribbean, MAELA), Peter Clausing (Pesticide Action Network, PAN Germany), and Karine Peschard (Graduate Institute of International and Development Studies) for their support in reviewing this insight box.
- 28 Svampa, Mariella and Enrique Viale. *Maldesarrollo. La Argentina del extractivismo y el despojo*. Buenos Aires: Katz Editores, 2014. Please also see: Aranda, Dario. *Tierra Arrasada. Petróleo, soja, pasteras y megaminería*. Radiografía de la Argentina del Siglo XXI. Buenos Aires: Editorial Sudamericana, 2015.
- 29 Eleisegui, Patricio. *Envenenados: una bomba química nos extermina en silencio*. Buenos Aires: Wu Wei, 2013. pp. 26–34.
- 30 Newell, Peter. "Bio-Hegemony: The Political Economy of Agricultural Biotechnology in Argentina". *Journal of Latin American Studies* 41:1 (2009): 27–57. Please also see: Motta, Renata. *Social Mobilization, Global Capitalism and Struggles over Food: A Comparative Study of Social Movements*. London and New York: Routledge, 2016. p.190.
- 31 For more information, please see the image on Syngenta's publicity in GRAIN. *La República Unida de la Soja Recargada*, June 12, 2013. Available in Spanish at: www.grain.org/es/article/entries/4739-la-republica-unida-de-la-soja-recargada.
- 32 For more information, please visit: www.agroindustria.gob.ar/sitio/areas/biotecnologia/ogm/.
- 33 Sández, Fernanda. *La Argentina Fumigada - Agroquímicos, enfermedad y alimentos en un país envenenado*. Buenos Aires: Grupo Planeta, 2016. p. 11.

Nations Special Rapporteur on the Right to Food, smallholder farmers produce 70% of the food consumed worldwide and yet are traditionally the least competitive players in the food value chain.²³ The stronger market power of a few firms and decline in public sector research—a consequence of neoliberal extractivist economic policies and concomitant concentration—means that peasants will pay higher prices for corporate seed, as the firms will carry over the cost of their R&D investments into the products that they sell.²⁴

Rising seed prices are also a result of stacked GM traits, with increasing technological fees and royalties on seed. These mergers will generate more of these stacked seeds at a high price for farmers. Seed prices are a significant share of input prices, especially for peasants and smallholder farmers. Their customers are more often the rural poor, and this constituency will, therefore, be hit the hardest by rises in seed and input prices in the form of higher food prices.²⁵

TIME TO RECLAIM PEASANTS' FOOD AND SEED SOVEREIGNTY

In a nutshell, these mergers will expose peasants to seed price shocks and limit the variety of seeds that they access, while also further undermining the contribution made by women—as seed custodians—to food and seed sovereignty. As fewer resources are made available for alternative, more context-appropriate seeds and crop protection methods, smaller farmers will simply fall by the wayside, unable to compete at the necessary scale to justify the expense of adopting the predominating technological packages.

Our demands must, thus, be that states take political decisions to stop these mergers. It is vital that states fulfill their human rights obligations by adopting policies and laws that recognize and protect peasants' rights, as currently discussed in the negotiations for a UN Declaration on the Rights of Peasants and Other People Working in Rural Areas.²⁶ States must ensure that peasants are at the center of programs that support and develop a diversity of resources and production methods appropriate for their conditions; and that support their own capacities to revive and use indigenous seed varieties and maintain and enhance agricultural biodiversity. Peasants are uniquely positioned to play this role.

INSIGHT 7.1 Fumigated and Undernourished: Argentina Fights Back to Reclaim Food Sovereignty Marcos Ezequiel Filardi²⁷

Since the dawn of the 19th Century, Argentina's dominant class has implemented an extractivist and export-oriented agriculture and livestock model that has fed on plunder. This has led to the loss of rights, as well as to the belittling and partial annihilation of the peasantry and of indigenous peoples. Over the last 20 years, the negative consequences of this model have been exacerbated by the 'commodity consensus', i.e. the expansion of industrial agriculture based on monocultures, genetically modified organisms and agrochemicals²⁸, as well as the export-oriented agribusiness and supermarket industry.

AN OPEN-AIR LABORATORY FOR GENETICALLY MODIFIED ORGANISMS AND AGROCHEMICALS

The glyphosate-resistant soybean was swiftly approved for use in Argentina: It took a mere three months over the summer of 1996, a 135-page dossier and a sole Monsanto corporation report.²⁹ With the exception of a few critical voices, the introduction of genetically modified organisms did not initially face major resistance. This is a clear example of the process known as 'bio-hegemony'.³⁰

Today, these soybeans cover 60% of the country's cultivated land, turning Argentina into a province defined by Syngenta as the 'United Republic of Soybeans'.³¹

Over the last 20 years, the National Commission on Biotechnology (CONABIA) has given commercial authorization to 41 varieties of genetically modified soybeans, maize, cotton and potatoes, 38 of which contain or are resistant or tolerant to different agrochemicals.³²

The intensive use of agrochemicals is not limited to genetically modified crops, but is used in almost all agricultural production. By December 2016, there were 4,727 authorized commercial formulations, 249 of which were approved during the previous year, leading to an annual turnover of more than \$US 3 billion.³³

Between 2003 and 2015, consumption of agrochemicals increased by 850%, going, in the case of glyphosate, from 3 kg per hectare per year in 2003 to 11.7 kg per hectare per year in 2015. During this period 360,000,000 kg of agrochemicals were spread over 30 million hectares of land.³⁴

As a result, between 12 and 15 million people are exposed to the fumigation of agrochemicals on a daily basis. In different locations across the entire country, areas have become known as the 'fumigated towns'.³⁵ Additionally, the use of agrochemicals has hit the entire population of Argentina (42 million) through the contamination of water, air, soil, breast milk, fruit, vegetables and highly processed foods, where pesticide residues are being detected at ever-higher levels.³⁶

Many human rights and environmental organizations, as well as academics and scientists undertaking 'dignified science', are increasingly reporting higher rates of genetic damage and chronic non-communicable diseases linked to exposure to agrochemicals in fumigated towns. Examples include: cancer, deformities, disruption of the endocrine system, neurodegenerative disorders, infertility, miscarriage, respiratory diseases and skin conditions.³⁷

A MODEL THAT VIOLATES HUMAN RIGHTS AND DESTROYS FOOD SOVEREIGNTY, NATURAL RESOURCES AND THE COMMONS

The agri-food system that is dominant in Argentina worsens forced displacement of peasants and indigenous peoples and increases land concentration, land grabs and the transfer to foreign ownership;³⁸ clearing and deforestation;³⁹ flooding;⁴⁰ soil erosion and desertification;⁴¹ destruction of wetlands and rainforests; and loss of biodiversity. It also increases carbon emissions that contribute to climate change.⁴²

This model impedes people from enjoying and exercising their human right to adequate food and nutrition and food sovereignty. Firstly, if the external commodities market is prioritized, then the internal *availability* of food is not guaranteed, and production for the local population is removed, displaced or marginalized. Secondly, *access* to food is hindered for large sectors of the population, who consequently suffer from hunger and malnutrition. This is due to a limited supply of local food coupled

- 34 For more information on statistics of the Argentine Chamber of Agricultural Health and Fertilizers (CASAFE), please see: www.casafe.org/publicaciones/estadisticas.
- 35 Rulli, Jorge E. *Pueblos Fumigados. Los efectos de los plaguicidas en las regiones sojeras*. Buenos Aires: Del Nuevo Extremo, 2009.
- 36 Barruti, Soledad. *Malcomidos: Cómo la industria alimentaria argentina nos está matando*. Buenos Aires: Grupo Planeta, 2013. Please also see: Yajdjian, Juan. *Somos Naturaleza. Misiones, salud y vida*. Eldorado: Th Barrios Rocha Ediciones, 2015; and Instituto Nacional de Tecnología Agropecuaria (INTA). *Los Plaguicidas agregados al suelo y su destino en el ambiente*. Buenos Aires: INTA Ediciones, 2015. Available in Spanish at: inta.gob.ar/sites/default/files/inta_plaguicidas_agregados_al_suelo_2015.pdf.
- 37 For more information, please see: Carrasco, Andres, Norma Sanchez and Liliana Tamagno. *Modelo agrícola e impacto socio-ambiental en la Argentina: monocultivo y agnegocios*. La Plata: AUGM, 2012. Available in Spanish at: sedici.unlp.edu.ar/bitstream/handle/10915/24722/Documento_completo.pdf?sequence=5; Sarandón, Estanislao. "Externalidades sociales y ambientales de la producción de soja en Argentina: los costos ocultos del modelo". Thesis, University of Georgetown, Washington, 2015. Available in Spanish at: repository.library.georgetown.edu/handle/10822/1029909; Reports by Network of Doctors of Fumigated Towns. Available in Spanish at: reduas.com.ar/; Results of Medical Camps of Rosario University Institute of Socio-Environmental Health. Available in Spanish at: www.fcsm.unr.edu.ar/index.php/es/campamentos-sanitarios; Civil Society's Contribution to the Questionnaires Of The United Nations Special Rapporteur of The Right to Food and Special Rapporteur on The Implications for Human Rights of the Environmentally Sound Management and Disposal Of Hazardous Substances and Wastes. *Agrotóxicos, evaluación de riesgos, salud y alimentos en Argentina*. Available at: www.ohchr.org/Documents/Issues/ToxicWastes/PesticidesRtoFood/Argentina.pdf; and Studies by the Genetics and Environmental Mutagenesis Group (GEMA) at the University of Rio Cuarto (UNRC).
- 38 Over the last 20 years, there has been a loss of over 100,000 family farmers, peasant and indigenous farmers. Consequently, the 2010 census registered an urban population of 94% and an increase of informal settlements in the peripheries of large cities.
- 39 An FAO report places Argentina among the top ten countries in terms of deforestation over the last 25 years: 7.6 million hectares were lost—300,000 hectares per year. For more information, please see: Greenpeace. *Deforestación en el norte de Argentina: Informe Anual 2016*. Buenos Aires, January 2017. p. 3. Available in Spanish at: www.greenpeace.org/argentina/Global/argentina/2017/1/Deforestacion-norte-Argentina-Anual-2016.pdf.

- 40 As this article was being reviewed in April 2016, five provinces of Argentina were flooded. For more information on the link between the soybean industry and flooding, please see Behrends Kraemer, Filipe *et al.*, "Desplazamiento de la ganadería por la agricultura en una cuenca de La Pampa ondulada: efectos sobre el escurrimiento superficial y erosión hídrica". *Ciencia Suelo* 31(1) (2013): 83-92. Available in Spanish at: www.scielo.org.ar/scielo.php?script=sci_arttext&pid=S1850-20672013000100008. Please also see: Bertram, Nicolas and Sebastian Chiacchiera. *Ascenso de napas en la Región Pampeana: ¿consecuencia de los cambios en el uso de la tierra?* INTA EEA Marcos Juárez, 2013. Available in Spanish at: inta.gob.ar/sites/default/files/script-tmp-inta_napas_mjz_13.pdf.
- 41 Pengue, Walter A. *Cultivos Transgénicos, ¿hacia dónde fuimos? Veinte años después de la liberación de soja en la Argentina*. Buenos Aires: 2017. Available in Spanish at: www.biodiversidadla.org/Portada_Principal/Recomendamos/Cultivos_transgenicos_hacia_donde_fuimos_Veinte_anos_despues_de_la_liberacion_de_soja_en_la_Argentina.
- 42 GRAIN. *El Gran Robo del Clima. Por qué el sistema alimentario es motor de la crisis climática y qué podemos hacer al respecto*. GRAIN, 2016. Available in Spanish at: www.grain.org/es/article/entries/5408-el-gran-robo-del-clima-por-que-el-sistema-agroalimentario-es-motor-de-la-crisis-climatica-y-que-podemos-hacer-al-respecto.
- 43 The last Survey of Risk Factors revealed that 60% of the adult population of Argentina is overweight and 30% is obese, while 35% of children and adolescents are overweight.
- 44 For an analysis of relations between chemical companies and senior government officials, please see: Greenpeace. *Ley de Semillas: Del campo al plato, el lobby de las empresas químicas*, March, 2017. Available in Spanish at: www.greenpeace.org/argentina/Global/argentina/2017/3/INFORME-Ley-de-semillas-50-vinculos-entre-el-Gob-y-las-agroquimicas.pdf.
- 45 Amongst others, the National Peasant and Indigenous Movement (MNCI), La Via Campesina, and the Confederation of Workers of People's (CTEP). For more information, please visit: mnci.org.ar/; and cteparargentina.org/.
- 46 For more information, please visit: reduas.com.ar/.
- 47 For more information, please visit: abogadospueblosfumigados.blogspot.com.ar/.
- 48 For more information, please visit: www.fcm.unr.edu.ar/index.php/es/campamentos-sanitarios.
- 49 The Network of Chairs for Food Sovereignty (CALISA) comprises over fifteen spaces in Argentinian public universities, which work as a network. They discuss the dominant food model and contribute to the collective construction of another model based on food sovereignty. For more information, please see: de Gorban, Miryam K., ed. *Seguridad y Soberanía Alimentaria*. Buenos Aires: Editorial Akadia, 2013; and, among others: calisanutricionuba.blogspot.com.ar/; catedralibredesoberaniaalimentaria.blogspot.com.ar/; www.unlp.edu.ar/articulo/2017/3/6/catedra_libre_de_soberania_alimentaria_clsa_unlp; and derechoalaalimentacion.org/.
- 50 Self-organized collectives of citizens who meet and collectively confront environmental problems that affect them. For more information, please visit: asambleasciudadanas.org.ar/.

with the high concentration of economic power across the entire agri-food chain, the high levels of unemployment, poverty and destitution and the lack of an integrated social security system. Thirdly, by offering cheap calories and expensive nutrients, and foods (including water) contaminated with agrochemicals and heavy metals, the *adequacy* of food is badly impacted. This is also linked to the intensification of other food production methods (such as animals fed with grain produced from genetically modified organisms with agrochemical, hormone and antibiotic residues), and to the oversupply of highly processed foodstuffs that are high in fats, sugars, salt and additives. As a result, this model does not only create hunger, but also leads to malnutrition, obesity and chronic non-communicable diseases that are linked to diet.⁴³ Finally, by destroying natural resources and the commons, food *sustainability* is affected, putting at risk the rights for present and future generations.

IMAGINING AND BUILDING OTHER POSSIBLE WORLDS TOGETHER

The state—at all levels—has been captured by the interests of those who support, benefit or legitimize the dominant agri-food system. These include cereal and seed corporations, producers and suppliers of agrochemicals, and the chemical, food, pharmaceutical, oil, transport, logistics, finance and supermarket industries.⁴⁴ The government is therefore failing to fulfill its obligations to respect, guarantee and adopt measures to ensure the Argentinian people's basic human rights to life, to adequate food and nutrition, to water, to health, to a healthy environment and to the rights of children.

However, the resistance movement against the dominant agri-food model is mounting and other possible worlds are being built collectively. There are numerous examples that show that people are waking up: the strengthening and organization of indigenous peoples, peasant and social movements;⁴⁵ the Network of Doctors of Fumigated Towns;⁴⁶ the Lawyers for Fumigated Towns;⁴⁷ the National University of Rosario socio-environmental camps;⁴⁸ the Network of Chairs for Food Sovereignty (CALISA) and related groups;⁴⁹ and socio-environmental assemblies.⁵⁰ There is a growing awareness about the consequences of the dominant model, leading for instance to the formation of a National Network of Municipalities and Communities that support Agroecology.⁵¹ Additionally, farm to plate festivals,⁵² farmers' and producers' markets, as well as cooperatives and fair trade partners have multiplied manifold,⁵³ whilst young neo-ruralists are spreading across the country. What is more, Argentina has witnessed a legal battle led by the Mothers of Ituzaingó Anexo;⁵⁴ the withdrawal of Monsanto from the Malvinas Argentinas municipality, in the province of Córdoba, as a result of social protest;⁵⁵ and ever-larger mobilizations taking to the streets to stand up for natural resources and the commons.⁵⁶ Furthermore, there is a strong presence of Argentinians and the inclusion of a chapter on Argentina in the International Monsanto Tribunal.⁵⁷ There was also a multidisciplinary action against the 'Monsanto Seed Law'.⁵⁸

These are just but a few examples that illustrate how the people of Argentina are rising up, joining forces and fighting back to reclaim food sovereignty and *buen vivir*.

- 51 There is a growing number of countries that embrace agroecology in its diverse forms. For more information, please see: www.pagina12.com.ar/22670-una-red-por-la-agroecologia.
- 52 For more information, please see: www.argentina.org.ar/pdf/LasferiasdeAgricultura.pdf.
- 53 For more information, please visit: ecoalimentate.org.ar/.
- 54 A group of mothers from Ituzaingó Anexo (province of Córdoba) who came together and successfully filed and promoted the first legal case regarding the use of agrochemicals in Argentina. For more information, please see: Broccoli, Ana. "The Other Mothers and the fight against GMOs in Argentina." In *Seed Sovereignty, Food Security: Women in the Vanguard of the Fight Against GMOs and Corporate Agriculture*, edited by Vandana Shiva. Berkeley: North Atlantic Books, 2016.
- 55 Monsanto was planning to build the largest sorting plant of corn seed in South America, with the support of national, provincial and municipal governments. The people of *Malvinas Argentinas* successfully organized and resisted until Monsanto finally abandoned its operations in this district and sold the building. This is a milestone in the socio-environmental struggle in Argentina.
- 56 Twenty thousand people joyfully congregated in the city of Córdoba to defend the province's remaining 3% of native forest.
- 57 For more information, please see: www.biodiversidadla.org/Principal/Coberturas/especiales/Tribunal_Internacional_Monsanto.
- 58 A group of organizations that met to resist the privatization of seeds in Argentina. For more information, please see: www.biodiversidadla.org/Autores/Multisectorial/contralaLeyMonsantoSemillas.
- 59 Victor Pereira is country facilitator of the milk division at *Confédération Paysanne*, a French member of the *European Coordination Via Campesina* (ECVC). Federica Sperti works for *Centro Internazionale Crocevia*, and focuses on European campaigns and farming sectors linked to European and global markets. Special thanks to Mauro Conti, Antonio Onorati (Centro Internazionale Crocevia), Priscilla Claeys (Coventry University and FIAN Belgium), and Karine Peschard (Graduate Institute of International and Development Studies) for their support in reviewing this article.
- 60 Sukumar, Cr and Kumar, Arun, "Le Groupe Lactalis de France to purchase Tirumala Milk Products for \$275 mn". *The Economic Times*, January 8, 2014. Available in French at: economictimes.indiatimes.com/industry/consproducts/food/le-groupe-lactalis-of-france-to-purchase-tirumala-milk-products-for-275-mn/articleshow/28521819.cms?intenttarget=no.
- 61 For more information, please see: www.lactalis.fr/le-groupe/chiffres-cles/; Mitrofanoff, Kira. "Comment Lactaliss' impose comme le n°1 mondial des produits laitiers devant Nestlé et Danone." *Challenges*, January 10, 2014. Available in French at: www.challenges.fr/entreprise/comment-le-francais-lactalis-s-impose-comme-le-n-1-mondial-des-produits-laitiers-devant-nestle-et-danone_123113.
- 62 Casalegno, Elsa and Laske, Karl. *Les cartels du lait : Comment ils remodelent l'agriculture et précipitent la crise*. Paris: Don Quichotte, 2016. p. 54–58.

INSIGHT 7.2 Lactalis, the Transnational Dairy Giant that Tramples on Peasants' Rights

Victor Pereira and Federica Sperti⁵⁹

In 2011, the French dairy products group Lactalis acquired the Italian dairy giant, Parmalat along with its 70,000 plus employees. In doing so, it positioned itself as a world leader in dairy products. Shortly after, in 2016, the conglomerate followed this up by launching a buyout offer for the remaining shares in Parmalat, another dairy global player. In the meantime, company buyouts are being pursued in all four corners of the globe (Tirumala Milk in India,⁶⁰ AK Gida in Turkey, Batavo and Elegê in Brasil, Emeraldal in Mexico and Lactalis in Eastern Europe).⁶¹ This article aims to bring to light the impacts of the activities undertaken by transnational corporations such as Lactalis on the lives of the men and women engaged in dairy production and peasants, especially in Italy and France.⁶²

In Italy alone, the Lactalis Group comprises five large companies (Parmalat, Locatelli, Invernizzi, Galbani and Cadernatori) and holds 33% of the traditional market for Italian milk, representing 34% of the mozzarella industry, 37% of fresh cheeses and 49.8% of cheeses like ricotta.⁶³ In France, Lactalis is the second largest firm in the agrifood sector (with 20% of the national market for fresh products, 18% of the market of milk for consumption and 15% of the butter sector), and its year on year growth continues. But this logic—based on profit and market expansion—succeeds only to the detriment of small local milk producers and not without impact on the quality of the final product consumed by the population.⁶⁴ In fact, the constant reduction of the price at the farm gate forces producers to industrialize their production methods and pushes cows to produce more than their natural potential, making production more artificial and degrading the natural qualities of the milk.

Lactalis has always pursued a supply policy with a strong dependence on producers that are positively 'engaged with the company's policies'. This is, in part, due to the provision of tankers and 'in-house' producer groups (i.e. producer organizations set up by the industrial buyer) under exclusive contract for the company. Aside from this exclusivity, Lactalis also keeps its farmer-suppliers under its control by using intimidation. The contracts implemented in 2012 with the European 'Milk Package'⁶⁵ have accentuated the enslavement of producers and their economic dependence on dairies. Lactalis, known for the harshness of its policy towards employees in its own factories, took this opportunity to include unfair clauses in contracts for the supply of milk, one of which bans farmers from inflicting damage on the company's image.⁶⁶

In Italy, the French group reduced the amount paid to milk suppliers, even though they had requested the price paid should at least cover production costs, which range from € 0.38 to € 0.41 per liter. During the journey from field to shelf, the price of milk can quadruple. The difference between the price paid by Italian consumers and that paid to milk producers is the highest in Europe.

In France, Lactalis recently notified five producers that it was terminating their collective contract on the basis of its own clauses, in particular the one relating to the protection of the company's image. The group reproached them for having testified about the company's practices⁶⁷ during a French television documentary, 'Special Envoy',⁶⁸ on the Lactalis empire and its CEO, Emmanuel Besnier. An 'explanatory' letter sent to one of the farmers reads: "You appear to disagree with

- 63 Coldiretti. "Latte Coldiretti, 1/3 mercato italiano in mano a francese Lactalis." November 13, 2015. Available in Italian at: www.coldiretti.it/News/Pagine/824---13-Novembre-2015.aspx.
- 64 Lactalis (Group) was contacted with a request for a reaction on the information included in this article on July 10, 2017.
- 65 The 'Milk Package' is a European regulation which was designed with a view to allow farmers to form producer organizations, in order to negotiate a fair price for milk, following the removal of quota. For more information, please visit: ec.europa.eu/agriculture/milk/milk-package_fr.
- 66 The authors of this insight box possess copies of the contracts of milk farmers, containing the alleged unfair clauses. They have been reviewed when verifying the information contained in this article.
- 67 Confédération Paysanne. "Lactalis : Le saigneur et les paysans." January 30, 2017. Available in French at: www.confederationpaysanne.fr/actu.php?id=5492.
- 68 France 2. "Lactalis: le lait, le beurre et l'argent du beurre." Censored report, October 13, 2016. Available in French at: www.youtube.com/watch?v=JUE1PrGTdY.
- 69 This letter was sent by Lactalis on January 13, 2017 and it is in possession of its recipient. Upon request, the letter has also been shared by the authors when verifying the information contained in this article.
- 70 Monier, Jean-François. "Reportage sur France 2 : Lactalis rompt le contrat de producteurs de lait." Le Parisien. January 27, 2017. Available in French at: www.leparisien.fr/flash-actualite-economie/opa-de-lactalis-sur-parmalatla-consob-rouvre-son-instruction-27-01-2017-6626796.php.
- 71 *Supra* note 67.
- 72 For more information, please visit: www.buonoeonesto.it.
- 73 Following these actions, the FNSEA, the National Federation of Milk Producers (FNPL) and Young Producers (*Jeunes Agriculteurs*) stated in a press release that "the legitimate battle of milk producers has finally paid off." For more information, please see: www.fnpl.fr/2016/08/fnplfnsea-accord-lactalis-le-combat-legitime-desproducteurs-de-lait-a-fini-par-payer/.
- 74 For more information on resistance against agri-food transnationals in Somaliland, please see insight box 4.1 "The Milk Cooperative Movement in Somaliland: Pastoralists Reclaiming Food Sovereignty" in this issue of the *Right to Food and Nutrition Watch*.

our milk supply policy, this nevertheless remains our responsibility and cannot in any case be subject to such denigration."⁶⁹ Twelve months notice was given to the five producers concerned.⁷⁰

"What is the future for defending producers in this context?", asks the French farmers' union Confédération Paysanne, declaring that "it is time our demands for producer organizations that defend and truly protect peasants are finally heard."⁷¹ The five producers have now found a solution themselves: they have joined up with the dairy *Laiterie Saint-Denis L'Hôtel* and are selling their milk under the brand 'Who's the boss?'. In Italy, faced with the near-monopoly of Lactalis, a small cooperative is producing and selling 'Good, honest milk' (*Latte buono e onesto*),⁷² offering a higher remuneration for producers. Beyond these actions, an overhaul in the system is needed to allow for a positive transition for all dairy producers, through government regulation of the market above all.

Moreover, the reduction in remuneration for producers and the breaking of contracts applied by Lactalis, as in the Italian and French cases described above, remain no less serious. According to the Italian trade union Coldiretti, the contractual imbalance between the parties makes abuse in the industry possible, with the imposition of unreasonably heavy demands on milk producers. It is worth remembering that the price paid by the group in 2016 was excessively low, negotiated down to the very last cent, in alignment with that of the 'cooperative' giant Sodial. This demonstrates the ineffectiveness of the actions carried out by the National Federation of Farmers' Trade Unions (FNSEA, the largest agricultural union in France) at the end of the summer of 2016 against the Laval plant, where Lactalis is headquartered, during a conflict that ultimately led to an agreement on prices paid to producers. The FNSEA welcomed the outcome of the negotiations,⁷³ although this price was clearly too low.

The inequity of current dairy contracts is no longer in doubt: moral harassment, abuse of economic dependence, and interference with freedom of association among others. In the countryside, the harm has been done. Almost all of the producers supplying Lactalis no longer dare to express themselves. Without income or prospects for the future, they are more and more isolated, and now deprived of their freedom of speech and action. In 2016, in order to denounce this situation, the *Confédération Paysanne* filed complaints for extortion against several dairies, including Lactalis, in several French departments.

The lesson to be learned from the actions of Lactalis is the urgent need to reintroduce systems to regulate dairy markets and mechanisms to distribute wealth at all levels through renewed government involvement. It is, indeed, the latter's disengagement which makes such abusive practices possible. The examples presented here also illustrate the importance of establishing producer groups independent from dairies to defend farmers and vulnerable producers because of the contracts imposed by agribusiness multinationals.⁷⁴ But it is important to recognize that the disengagement of public authorities is first and foremost the cause of these abusive practices. It is essential that governments monitor dairy companies and ensure that national and European rules are respected in order to protect workers, the public and, above all, our land's productive resources. Any revision to the Common Agricultural Policy (CAP) must absolutely include the reintroduction of market management measures.

ADDRESSING STRUCTURAL INEQUITY: GLOBAL TRADE RULES AND THEIR IMPACT ON FOOD AND NUTRITION SECURITY

Biraj Patnaik

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“The impacts of unfair trade rules on hunger and undernutrition were relatively well understood and documented. When it comes to malnutrition in all its forms, including obesity, it is only now that the full impact of trade rules—as well as their influence on domestic policy space—is being comprehended.”

The issue of global trade rules and their impact on food and nutrition security has been much debated over the past few years. At the heart of these debates has been the unfair rules set out in the Agreement on Agriculture (AoA) at the World Trade Organization (WTO) that allowed Europe, the USA and other rich countries to retain their subsidy regimes while severely restricting the policy and fiscal space available to Asian and African countries to provide subsidies. This allows rich countries, which provide billions of dollars in subsidies to their farmers, rich and poor, to call out India on domestic legislation, such as the National Food Security Act (2013). They paint it as trade distorting, even though many of the subsidies provided by the Indian government are for small and marginal farmers and poor consumers.

Acknowledgements

Special thanks to Rolf Künemann (FIAN International) and Bernhard Walter (Bread for the World – Protestant Development Service) for their support in reviewing this article.

Photo

A vegetable vendor in *Muara Karang* market (Jakarta, Indonesia, 2013). Photo by Frank Yuwono.

- 1 For more information on the DDR, please see: Biraj, Patnaik. “Inequity Unlimited: Food on the WTO Table.” *Right to Food and Nutrition Watch* (2015): 45–49. Available at: www.righttofoodandnutrition.org/node/40.
- 2 Thow, Anne Marie *et al.*, “Trade and food policy: case studies from three Pacific Island countries”. *Food Policy* 35:6 (2010): 556–564. Available at: www.sciencedirect.com/science/article/pii/S0306919210000771.
- 3 ETO Consortium. *Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights*. Heidelberg: FIAN International, 2013. Available at: www.etoconsortium.org/nc/en/mainnavigation/library/maastricht-principles/?tx_drblob_pi1%5BdownloadUId%5D=23.
- 4 Barlow, Pepita *et al.*, “Impact of the North American Free Trade Agreement on high-fructose corn syrup supply in Canada: a natural experiment using synthetic control methods”. *Canadian Medical Association Journal* 189:26 (2017). Available at: www.cmaj.ca/content/189/26/E881.abstract.

The WTO’s Tenth Ministerial Conference held in Nairobi in 2015 also did away with the Doha Development Round (DDR), where all the issues pertaining to agriculture, food security and subsidies were being negotiated.¹ While technically the Doha Round issues could still be discussed at the WTO, the DDR was not just a set of issues, but a set of negotiating principles and a framework, without which it is highly unlikely that most countries can effectively negotiate on the agriculture and food security issues that affect hundreds of millions of farmers and consumers.

The impacts of unfair trade rules on hunger and undernutrition were relatively well understood and documented. When it comes to malnutrition in all its forms, including obesity, it is only now that the full impact of trade rules—as well as their influence on domestic policy space—is being comprehended.

Take for instance the Pacific island nation of Samoa, which has one of the highest rates of obesity in the world. One of the sources of unhealthy diets identified by the government was the unrestricted import of turkey tails into Samoa from the USA.² The turkey tails were high in fat content (32%), and were a waste generated from the poultry industry in the USA since they were not consumed there and were consequently dumped in Samoa. This was banned in Samoa in August 2007 and led to a quarter of the population reporting a decrease in meat consumption as a result and another quarter shifting to lower fat meat or sea food. Despite the success of this policy measure, Samoa was forced to lift the ban on turkey tails under pressure from the USA, as it was seen as a barrier to trade. Additionally, the lifting of the ban was made a pre-condition to the accession of Samoa to the WTO. This is a well-documented example of how trade rules negatively impact the nutrition habits of consumers in developing countries and curtail the ability of states to meet their obligations under the human right to adequate food and nutrition. Impairing another state’s ability to comply with its obligations under this right is a violation of human rights.³

There is now also evidence from Canada on the impact of trade rules on promoting unhealthy diets. A case in point is the recent study⁴ published in the

Canadian Medical Association Journal that documents how the North American Free Trade Agreement (NAFTA) led to an increase in the consumption of high fructose corn syrup (HFCS) in Canada,⁵ which is leading to higher obesity rates and Type 2 diabetes. After NAFTA was implemented, the import of HFCS saw an increase in obesity from 5.6% (1985) to 14.8% (1998). Similarly, diabetes rates rose from 3.3% to 5.6% between 1998–99 to 2008–09.

Emerging evidence around the impact of trade rules now shows that trade rules threaten the nutritional status in many countries across the board. There should therefore be a much greater urgency from all countries to address this. Instead, by way of response, the FAO has once again, in collaboration with the WTO, published a new study⁶ on trade and food standards that proffers gratuitous advice to African, Asian and Latin American countries to respect the current rules, but invest in the capacity and skills to achieve effective engagement in institutions and multilateral bodies such as the WTO and Codex Alimentarius—the world’s primary food standard setting body.⁷

Unless member states at the UN Committee on World Food Security (CFS) play a more active role in reframing the global governance architecture of food and nutrition security, by including in their mandate the unfair global trade rules that exacerbate the double burden of malnutrition, there is little hope that things will change. The case study from Indonesia below highlights this problem of shrinking domestic policy space.

INSIGHT 8.1 An Experience From Indonesia: Trade Agreement Preys on Peasants and Food Sovereignty *Rachmi Hertanti*⁸

On December 22, 2016, Indonesian farmers received news that they had lost their protection for domestic food security on the panel session at the Dispute Settlement Body (DSB). The World Trade Organization (WTO) ruled in favor of New Zealand and the United States of America (USA) in regard to food import policies.

The ruling has now prompted Indonesia to review its food policy in line with the WTO ruling. This is yet another example that highlights the unfair global trade rules, which pose a polarity to the spirit of food sovereignty. The ruling will no doubt affect peasants’ rights and wellbeing.⁹

BACKGROUND TO THE FOOD IMPORT POLICY

In May 2014, New Zealand and the USA requested a consultation process with Indonesia at the DSB due to their objections towards Indonesia’s food policies, which allowed the importation of horticultural products, animals and animal products only on the grounds of insufficient domestic supply. Accordingly, national food necessities were to be supplied from domestic production, as underpinned by two policies: The Food Act 18 (2012)¹⁰ and the *Law on the Protection and Empowerment of Farmers 19* (2013).¹¹ These two regulations emerged as a result of the mobilization of peasant organizations to combat the devastating impact of opening up the domestic market to imports, especially within the food sector.

- 5 Alina, Erica. “NAFTA is making Canadians fat, new study suggests”. *Global News*, July 5, 2017. Available at: globalnews.ca/news/3577044/nafta-obesity-canada/.
- 6 FAO and WTO. *Trade and Food Standards*. FAO and WTO, 2017. Available at: www.fao.org/3/a-i7407e.pdf.
- 7 FAO. “Countries urged to reap benefits of food trade by engaging in standards setting”. *Thomson Reuters Foundation News*, July 12, 2017. Available at: news.trust.org/item/20170712142924-m0c46/.
- 8 Rachmi Hertanti is the Executive Director of Indonesia for Global Justice (IGJ). Established in 2001, IGJ works towards a just trade system by developing critical awareness and empowering strategic groups of civil society. Special thanks to Laura Michèle (FIAN International) and Biraj Patnaik (Coventry University and Amnesty International) for their support in reviewing this insight box.
- 9 IGJ. *Notes from Dispute Investment and International Trade: From Churchill Mining to Import Cases in WTO in Protectionism Era*. IGJ: Jakarta, 2016. Available in Indonesian at: igj.or.id/catatan-akhir-awal-tahun-2017-indonesia-for-global-justice/.
- 10 Available at: extwprlegs1.fao.org/docs/pdf/ins139381E.pdf.
- 11 Available at: www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=95245&p_classification=22.01.

TRADE AGREEMENTS AND THEIR IMPACT

Indonesia entered into the WTO Agreement on Agriculture and into other similar 'free' trade agreements, such as the Association of Southeast Asian Nations' (ASEAN) Economic Community, and was forced to open up its domestic food market. As a result, subsidies to peasants were reduced. Food production has thus become a trading commodity, and is no longer the source of domestic food supply, which ensures the country's food security.

The opening up of market access has increased food imports into Indonesia, which has in turn damaged farmers' livelihoods and destroyed their local food systems. These impacts are exacerbated by the removal of subsidies for farmers due to a WTO rule, following an increase in production costs and a reduction in the competitiveness of small-scale farmers. Of the total 26.14 million farmers in Indonesia, 55.33% (i.e. 14.62 million) are small-scale farmers who control only 0.5 h.¹² Moreover, a survey on living costs carried out by the Central Statistics Bureau (BPS) in 2012 stated that the average monthly income of farmers is only IDR 1.4 million per h (US \$105). This value is way below the average monthly household consumption value of IDR 5.58 million (US \$419).¹³

Added to this, the number of peasants affected by poverty has risen, as they cannot compete with imports. This can be seen in the pressure exerted on the Farmers Exchange Rate (NTP) and the decline in people employed in the agricultural sector, which dropped from 36.39% in 2011 to 33.2% in 2014.¹⁴

In response, in 2012, Indonesia passed the Food Act 18.¹⁵ Its aim was to limit food imports into Indonesia and to give priority to domestic food production obligations. Thus, imports were only to be considered as a last resort rather than as a strategy employed to fulfill domestic food security needs. This is one of the two acts that New Zealand and the USA contested through the WTO.

THE DETRIMENTAL EFFECTS OF AGRICULTURAL LIBERALIZATION

Agricultural liberalization has strengthened the dominance of transnational corporations in controlling food supply and prices. The cartelization of large players in the food sector is therefore inevitable. For instance, between November 2012 and February 2013 there was a fluctuation in garlic prices due to its scarcity and prices more than doubled from IDR 40.000/kg (US\$ 3) to IDR 90.000/kg (US\$ 6.75). An investigation was conducted by the Commission for the Supervision of Business Competition (KPPU), and they reported that there were 19 importing companies which had cartelized by controlling over 56.68% of the garlic supplied to the markets.¹⁶

Public officials are often involved in the cartelization as a means to legalize food imports and this frequently leads to corruption. This can be seen in the case of Luthfi Hasan, a politician from the Welfare and Justice Party (PKS), who was sentenced to 16 years of imprisonment for accepting a bribe of IDR 1.3 billion from PT Indoguna Utama, an importing company. The company's bribe aimed to influence officials in the Ministry of Agriculture so as to recommend an increase of the beef import quota by as much as 8000 tons.¹⁷

12 BPS. *Agricultural Census Report*. Indonesia, 2013.

13 BPS. *Cost of Living Survey*. Indonesia, 2012.

14 This is the equivalent of 1.53 million affected people. BPS. *Social and Economic Statistics Data*. Indonesia, 2015.

15 For more information on provisions on national food production to fulfill national consumption needs, please see Articles 14 and 15 of the *Food Act 18*, *supra* note 3; and Article 15 of the *Law on the Protection and Empowerment of Farmers 19*, *supra* note 4.

16 Hertanti, Rachmi, and Rika Febriani. *The Path to Food Sovereignty In Indonesia: Between WTO G33 and National Food Policy*. IGJ: Jakarta, 2014. p. 5.

17 For more information, please see: Maharani, Dian. "Luthfi Hasan Ishaq Divonis 16 Tahun Penjara." *Kompas*, September 12, 2013. Available in Indonesian at: nasional.kompas.com/read/2013/12/09/2106550/Luthfi.Hasan.Ishaq.Divonis.16.Tahun.Penjara.

THE CRIMINALIZATION OF PEASANTS

Kuncoro, Tukirin, and Suprpto are among several peasants who have suffered the bitter experience of imprisonment. The three peasants were accused by PT BISI, a seed company and a subsidiary of Charoen Pokphand, of stealing corn seeds as well as providing illegal certificates based on the *Law on Plant Cultivation System 12* (2012).¹⁸

The criminalization case occurred following the legalization of the monopoly over seed ownership by the corporations under the patent protection regulations within Trade Related Intellectual Property Rights (TRIPS), under WTO trade rules. Under TRIPS, the patent owned by the seed companies restricts Indonesian peasants and their rights as traditional seed breeders, which they have practiced over generations.¹⁹

To stop the monopoly of seed control by large companies and the criminalization of farmers, Indonesian civil society movements posed a legal challenge to the *Law on Plant Cultivation System 12* (2012) in the Constitutional Court. The movements were successful: communities' rights to seed breeding and the dissemination of seeds were finally acknowledged in court.²⁰

RIGHTS TO SEEDS AND FREE TRADE AGREEMENTS: NAVIGATING THE ROAD AHEAD

Similar seed policy and food import rules were not just isolated to the Trans-Pacific Partnership (TPP), but can also be found in other similar trading blocks such as ASEAN and under the scheme of Regional Comprehensive Economic Partnership (RCEP), which is currently being negotiated. The RCEP is likely to adopt the TPP model. Indonesia, as one of ASEAN members, will be a party in the negotiations and once again face the same problems when RCEP finally comes into force.

Thus the positive verdict from the Constitutional Court in favor of the peasants and their rights to seed breeding and collective distribution will, once again, be jeopardized. 'Free' trade agreements like RCEP will continue to endanger peasants' rights and Indonesia's food sovereignty by threatening loss of access to and control over their seeds to multinational corporations.

In this era of protectionism and inequity in trade rules that penalize developing countries,²¹ such disputes over investment and international trade highlight the urgent need for a global recognition of peasants' rights.²² Not only is the WTO obligated to respect, protect and fulfill the human right to adequate food and nutrition, civil society must continue to join forces to achieve 'genuine' national food security by protecting their local food markets, and to upkeep the spirit of food sovereignty.

18 IGJ. *Ancaman WTO & FTA. Series of Guidelines to Understand WTO and Free Trade Agreement*. Jakarta: IGJ, 2013. p. 11. See also: Indonesian Human Rights Committee for Social Justice. "Our seed, our sovereignty—seed law victory in Indonesia." GRAIN, 22 August, 2013. Available at: www.grain.org/bulletin_board/entries/4774-ourseed-our-sovereignty-seed-law-victory-in-indonesia.

19 For more information on these threats, please see: Peschard, Karine. "Farmer's Rights to Seeds: Conflicts in International Legal Regimes." *Right to Food and Nutrition Watch* (2016): 22–23. Available at: www.righttofoodandnutrition.org/seeds-and-agricultural-biodiversity.

20 Constitutional Court Verdict over the *Law on Plant Cultivation System 12*, Perkara Nomor 99/PUU-X/2012.

21 For more information on the level of inequity in global trade and the four basic principles that developing countries should push for at the WTO, please see: Patnaik, Biraj. "Inequity Unlimited: Food on the WTO Table." *Right to Food and Nutrition Watch* (2015): 45–49. Available at: www.righttofoodandnutrition.org/sites/www.righttofoodandnutrition.org/files/Watch_2015_Article_6_eng_Inequity%20Unlimited.pdf.

22 For more information, please see: Golay, Christophe. "Legal reflections on the rights of peasants and other people working in rural areas." Background paper prepared for the first session of the working group on the rights of peasants and other people working in rural areas. July, 2013. Available at: www.ohchr.org/Documents/HRBodies/HRCouncil/WGPLeasants/Golay.pdf.

09

IS THE RIGHT TO FOOD AND NUTRITION IN EMERGENCIES ON THE RIGHT PATH?

Frederic Mousseau

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“The positive fixes of the food relief system should not distract us from what remains the major challenge for the realization of the right to food and nutrition: a dominant economic order that continues to exploit the poorest people and their natural resources for the profit of a few.”

In 2015, the UN Committee on World Food Security (CFS) adopted the Framework for Action for Food Security and Nutrition in Protracted Crises (FFA) with the goal of improving the situation of populations affected by chronic food crises and the action of the various actors involved—governments, NGOs, and international organizations. Food emergencies occur in situations of war and natural disasters as well as in non-conflict contexts, where millions of people live in chronic food insecurity and high vulnerability to climatic and economic shocks, which may result in high numbers becoming unable to feed themselves.

Acknowledgements

Special thanks to Marcos Arana Cedeño (International Baby Food Action Network, IBFAN), Stefano Prato (Society for International Development, SID), Emily Mattheisen and M. Alejandra Morena (FIAN International) for their support in reviewing this article.

Photo

Employees collecting food rations to hand it to a family (Hajja, Yemen, 2016). Photo by WFP/Asmaa Waguih.

- 1 For more information on the FFA and its 11 principles, please see: Al Jaajaa, Mariam and Emily Mattheisen. “Food Insecurity in Protracted Crises: Examining the Gaza Strip”. *Right to Food and Nutrition Watch* (2014): 71–73. www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2014_eng.pdf#page=71. See also Ahmed Mansour et al., “CFS Develops Protracted-crisis Policy.” *Land Times* 12 (2015). Available at: landtimes.landscapeia.org/newsdes.php?id=pWxm&catid=pQ==&edition=o2o=.
- 2 Devereux, Stefan. “Policy Options for Increasing the Contribution of Social Protection to Food Security”. *Forum for Food Security in Southern Africa Theme Paper* (2003). Available at: www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/5607.pdf.
- 3 Mousseau, Frederic. *Roles of and Alternatives to Food Aid in Southern Africa: A Report to Oxfam*. Oxfam, 2004. p. 12. Available at: reliefweb.int/sites/reliefweb.int/files/resources/8C0F85D839508945C1256F5B00374B00-oxf-zam-31mar.pdf.
- 4 Mousseau, Frederic and Anuradha Mittal. *Sahel: A Prisoner of Starvation? A Case Study of the 2005 Food Crisis in Niger*. The Oakland Institute, 2006. Available at: www.oaklandinstitute.org/content/sahel-prisoner-starvation-case-study-2005-food-crisis-niger-0.

The FFA was seen as a positive step to ensure the realization of the human right to adequate food and nutrition in contexts of acute food insecurity and high level of undernutrition.¹ It formalized as a right something that was often far from being recognized as one not long ago.

For decades, food crises and peaks of acute malnutrition were often ignored, and left unaddressed in many countries, until media, UN agencies and NGOs could raise the attention to the crisis and push governments to take action. Like in the cases below, when action was taken, it was often late and inadequate.

INTERNATIONAL RESPONSES TO FOOD CRISES: LATE AND DONOR-DRIVEN

After a bad harvest in May 2001, the government of Malawi called for help to provide the 600,000 tons of food needed to address its food deficit. Skeptical about the severity of the situation, donor countries did not meet this request. Following reports of starvation in some parts of the country, an international relief operation was eventually initiated in March 2002, nearly one year after the failed harvest. It was unfortunately too late for those who had died during the lean period in the first months of 2002, when food stocks were depleted and food prices were at their highest level. Malawi was then flooded with relief food at the time of the 2002 harvest,² with serious adverse effects on the country’s economy and local agriculture.³

Niger went through a similar experience in 2005. Developed countries decided to do something about the food crisis only after being hit with shocking images of starving children, some 10 months after the initial calls for help were sent by the Nigerien government and the World Food Program (WFP). A key reason for this late intervention was that donor agencies and even some NGO experts saw endemic hunger and high levels of undernutrition in poor countries like Niger as inevitable and somewhat ‘normal’.⁴

Donor countries dragging their feet to respond to major food crises has unfortunately been a common feature in the past two decades, resulting in similar late responses. The time needed to get international attention and funding, to ship food and organize distributions often results in food aid reaching people too late. When the images of starving children reach TV screens, it is already too late for

many, especially the youngest and most fragile children who are the first victims of undernutrition-related mortality.⁵

Beyond the death toll, such late interventions are likely to have an adverse impact on agriculture and farmers when food aid reaches countries after the harvest time, i.e. at the time markets are well supplied and prices low. As a result, farmers lose their income because of depressed sale prices for their crops and lower demand due to the availability of free food.⁶

When aid was not denied or provided too late, another common pattern has been that food relief would come in ways that would suit the donors but not the recipients. For decades, food aid has been widely used for surplus disposal and market support by donor countries to ‘feed’ the developing world while at the same time helping their own farmers sell their crops and opening new market opportunities around the globe.⁷ Examples abound of supply-driven food aid that did not meet the standards or the needs of the affected population. In 1996, displaced women in Sierra Leone protested in the streets of the capital Freetown with the slogan ‘No more Bulgur, we want rice!’, demanding their preferred food during a visit by USAID officials. US bulgur—dried cracked wheat—has actually been commonly used across Africa by relief agencies as a convenient way to help target food aid to the most in need. With this practice, officially and rather cynically called ‘self-targeting’ by international aid agencies,⁸ only the hungriest would eat the food they dislike.

During the 2002–2003 food crisis, Zambia, Zimbabwe, and other Southern African countries rejected US food aid containing genetically modified foods.⁹ Some of them eventually accepted the aid after much pressure and arm-twisting by the US government who fought this precedent-setting that could have harmed the business of US firms such as Monsanto.¹⁰ In 2005, when USAID finally decided to send food to Niger, its representatives tried to convince NGOs to use the rice that they had available in a shipment at sea for parts of the country where people had neither experience nor taste for this cereal.

The list could go on, with similar experiences in other continents and countries, such as Haiti,¹¹ the Philippines,¹² and Mexico.¹³ European countries, and later Canada, have untied their food aid from their domestic agriculture, and allowed local and regional purchase of food. Until very recently, this was not the case for the US, the largest food aid donor: there, food had to be procured in the US and transported on US-flagged vessels.¹⁴ Beyond the concern that all US corn and soy shipments are made of genetically modified food, the provision of US-sourced food aid was proven to be ineffective and costly.¹⁵ Furthermore, it would often violate the Do No Harm humanitarian principle because of its detrimental effects on local agriculture.¹⁶

A PATH TOWARDS MORE EFFECTIVE AND EQUITABLE APPROACHES

Things have started to change recently. Just before the Framework for Action for Food Security and Nutrition in Protracted Crises detailed its set of good practices in 2015, the *US Agricultural Act of 2014*¹⁷ was celebrated as a victory for people and NGOs who have long called for an overhaul of the US food aid regime. With the 2014 Act, US food aid was going through tremendous changes, starting to allow for a swifter and more effective way to intervene in food emergencies by permitting local and regional procurement of food aid.

- 5 Mousseau, *supra* note 3. Please also see: Mousseau, Frederic. *Food Aid or Food Sovereignty? Ending World Hunger In Our Time*. The Oakland Institute, 2005. p. 15. Available at: www.oaklandinstitute.org/content/food-aid-or-food-sovereignty-ending-world-hunger-our-time-0.
- 6 Mousseau, *supra* note 3.
- 7 Mousseau, Frederic. *Food Aid or Food Sovereignty? Ending World Hunger In Our Time*. The Oakland Institute, 2005. p. 15. Available at: www.oaklandinstitute.org/content/food-aid-or-food-sovereignty-ending-world-hunger-our-time-0.
- 8 World Food Programme. “Targeting in Emergencies”. *Policy Issues Agenda* item 5 (January 23, 2006). p.11. Available at: www.wfp.org/sites/default/files/wfp083629.pdf.
- 9 Lewin, Alexandra. “Zambia and Genetically Modified Food Aid”. In: *Food Policy for Developing Countries: Case Studies*, edited by Per Pinstrup-Andersen and Fuzhi Cheng. Ithaca, New York: Cornell University, 2007. Available at: cip.cornell.edu/DPubS/Repository/1.0/Disseminate?view=body&id=pdf_1&handle=dns.afs/1200428165.
- 10 Mousseau, *supra* note 3.
- 11 Please see insight box 9.3 “Food Sovereignty and the Right to Food in Emergency Situations in Haiti” below.
- 12 For more information, for instance, on women’s responses to Typhoon Haiyan in the Philippines, please see: Cedeño Arana, Marcos, M. Innes Av. Fernandez and R. Denisse Córdova Montes. “Women’s Responses to Typhoon Haiyan in the Philippines”. *Right to Food and Nutrition Watch* (2014): 39–40. Available at: www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2014_eng.pdf#page=39.
- 13 For more information on the case of Mexico, please see: Cedeño Arana, Marcos, M. Innes Av. Fernandez and R. Denisse Córdova Montes. “Without Corn, There Is No Country: Smallholder Farmers Campaign after Hurricanes in Mexico.” *Right to Food and Nutrition Watch* (2014): 40. Available at: www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2014_eng.pdf#page=40.
- 14 Mousseau, *supra* note 7.
- 15 *Ibid.*
- 16 *Ibid.*
- 17 USDA. *U.S. International Food Assistance Report*. 2015. Available at: www.fas.usda.gov/sites/default/files/2017-01/8229000_59_fy_15_ifar.pdf.

The response to the food crisis in North East Nigeria, at the end of 2016 is a good illustration of what has changed compared to the practices of the 1990s and 2000s. Although the severity of the 2016 crisis was again recognized very late, the contrast in response was stark with what would have happened just a few years before. This time, USAID did not provide in-kind food aid to be shipped from the US but directly cash for WFP to procure food locally or regionally.¹⁸ This avoided further delays in bringing relief and allowed aid agencies to respect people's culture and preferences by providing local food they were used to preparing and eating. Furthermore, instead of hurting farmers with food aid imported from another continent, local purchases made possible by the recent reforms benefitted thousands of them who were selling food to aid agencies in Nigeria and neighboring countries. In addition, donors financed NGOs for delivering assistance in various forms, i.e. not just in-kind food items but also e-vouchers and cash. E-vouchers given to displaced people allow them to receive cash and/or food, using a smart card to shop or receive cash at designated vendors. The system allows each family to choose the food items they want. Again, this supports local small-businesses and market and participates to the economic recovery of the region. The indirect effects in terms of employment and income for the local population are very significant, especially in a situation where many conflict-affected people have relied on wage labor and solidarity from the locals to sustain themselves and their families.

Sadly, there is one thing that unfortunately did not change in Nigeria: once again, the response was late, which resulted in the death of thousands of children because of malnutrition and associated illness.¹⁹

Another remarkable leap forward for the realization of the right to food and nutrition in emergencies is the progress made in recent years in addressing child malnutrition. The treatment and prevention of acute malnutrition among young children has been literally revolutionized since the mid-2000s. Since the Niger food crisis, the generalization of the use of Ready to Use Therapeutic Food (RUTF) allowed for the provision of take-home supplementation and treatment. Added to this, the availability of newly developed nutritional products has permitted to massively scale up nutritional interventions and to reach out to millions of children at risk who would have otherwise been left without assistance in the past.²⁰ As documented by *Médecins Sans Frontières* (MSF), which has been at the forefront of this revolution, the reduction in mortality among young children is massive, down by 50% according to a study on the 2010 food crisis in Niger.²¹ This evolution has thus saved hundreds of thousands of lives in recent years.

These are definitely the good news we have to celebrate.²² But there are also reasons to temper one's enthusiasm regarding the realization of the right to food and nutrition in emergencies.

THREATS TO THE LEVEL OF INTERNATIONAL AID

First of all, if some local governments have showed their commitment and increased their capacity to respond to food and nutrition crises, the improvements cited above are largely dependent on significant funding and leadership from developed countries. The reliance on external actors raises questions. Since the election of Donald Trump, there are growing concerns that the USA—one of the major humanitarian donors²³—may drastically cut down the amount of its foreign aid, while targeting the remaining aid to countries of strategic interest.²⁴ Similar threats to the volume of humanitarian

- 18 Direct communication USAID officials in Abuja, November 2016.
- 19 MSF. "Nigeria: Crisis Info on Borno Emergency—September 2016." *Médecins sans frontières*, 28 September, 2016. Available at: www.msf.org/en/article/nigeria-crisis-info-borno-emergency-september-2016.
- 20 However, this evolution has raised concerns. For instance, please see: Schieck Valente, Flavio Luiz. "The Corporate Capture of Food and Nutrition Governance. A Threat to Human Rights and Peoples' Sovereignty." *Right to Food and Nutrition Watch* (2015): 15–20. Available at: www.righttofoodandnutrition.org/files/Watch_2015_Article_1_The%20Corporate%20Capture%20of%20Food%20and%20Nutrition%20Governance.pdf; Greiner, Ted. "The advantages, disadvantages and risks of ready-to-use foods". *IBFAN Breastfeeding Briefs* n. 56/57 (2014). Available at: ibfan.org/breastfeedingbriefs/BB%2056-57-The%20advantages-disadvantages-and-risks-of-ready-to-use%20foods.pdf.
- 21 MSF. *Reducing Childhood Mortality in Niger: The Role of Nutritious Foods*. Médecins Sans Frontières, May 2011. Available at: www.doctorswithoutborders.org/sites/usa/files/BriefDoc_Niger_EN_international.pdf.
- 22 For a positive example, please see: Brahim, Taleb. "Cultivating Hope for Western Sahara: Moving my People toward Self-Sufficiency". *Right to Food and Nutrition Watch* (2016): 55–56. Available at: www.righttofoodandnutrition.org/cultivating-hope-western-sahara.
- 23 For more information, please visit: fts.unocha.org/appeals/overview/2017.
- 24 Harris, Bryant, Robbie Gramer and Emily Tamkin. "The End of Foreign Aid As We Know It". *Foreign Policy*, April 24, 2017. Available at: foreignpolicy.com/2017/04/24/u-s-agency-for-international-development-foreign-aid-state-department-trump-slash-foreign-funding.

aid have surfaced in Europe, as well as a result of the Brexit, raising concerns over the ability of the international community to provide adequate levels of aid to people in crisis.²⁵ Meanwhile, in early 2017, the United Nations launched desperate calls for funding to help provide emergency relief for 20 million people in four countries and announced the cutting of food rations in Yemen²⁶ because of a lack of funding.²⁷ So while the practices of food relief have evolved positively, will there be enough funding to implement them in the future?

A DONOR-DRIVEN FOCUS ON HANDOUTS TO PREVENT PUBLIC INTERVENTION IN FOOD MARKETS

Many food emergencies occur in non-conflict contexts, in situations where millions of people live in chronic food insecurity, when a climatic and/or economic shock results in high numbers becoming unable to feed themselves. These are often situations where increases in food prices on local markets make food unaffordable for the poorest. As seen in the Sahel region, the curves of child acute malnutrition and mortality thus commonly follow those of food prices on the markets.²⁸

While some form of food relief may be the best option in situations of war and population displacement, in contexts of chronic food insecurity and price volatility, other types of intervention may be more effective than handouts and could prevent or mitigate crises. The experience of productive gardens and camel breeding for milk in the refugee camps in Western Sahara is a good illustration of sustainable alternatives to handouts.²⁹

Furthermore, during the 2008 global food price crisis,³⁰ several countries implemented effective public interventions to lower food prices through a mix of trade facilitation measures (for instance, cutting import tariffs or negotiating with importers) and trade restrictions or regulations (such as export bans, use of public stocks, price control, and anti-speculation measures).³¹ In Ethiopia, that year, Afar pastoralists told researchers from the Overseas Development Institute (ODI) that instead of food handouts, they would much prefer measures to limit the volatility of food prices.³² An understandable view for anyone forced to survive to wait in line every month for a food allowance to be given by a government or an NGO.

Yet, donor countries and development institutions such as the World Bank are generally against any market regulation for developing countries, which would create 'market distortion'.³³ They therefore tend to discourage developing countries from resorting to other interventions than food relief. This may explain why the 2013 decision to establish a Regional Food Security Reserve (RFSR) in West Africa³⁴ has not been implemented yet despite the recurrence of food crises and significant price volatility in the region. Instead of supporting market interventions, the US, the UK and the World Bank have encouraged the establishment of safety net programs that are supposed to protect people against climatic or economic shocks. The most notorious program supported by these donors is the Productive Safety Net Program (PSNP) in Ethiopia. Established in 2005, the PSNP provides food or cash assistance to assist every year some 8 million food-insecure people.³⁵ However, such mechanisms have proven ineffective to deal with price volatility. For example, in 2008 in Ethiopia, the value of cash transfers did not keep up with the cost of the food basket, which had increased by 300%.³⁶ Moreover, the PSNP still has to be complemented by emergency interventions on a regular basis. In 2015–2016, the Ethiopian government called for international aid to

25 Directorate-General for External Policies—Policy Department. *Possible impacts of Brexit on EU development and humanitarian policies*. Brussels: European Parliament's Committee on Development, 2017. Available at: [www.europarl.europa.eu/RegData/etudes/STUD/2017/578042/EXPO_STU\(2017\)578042_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/578042/EXPO_STU(2017)578042_EN.pdf).

26 Please see insight box 9.2 "Collective Violation: Yemen and the Right to Food"

27 Lieberman, Amy. "UN outlines 'new way of working in crisis' with \$4.4B famine appeal for 4 countries". *Devex*, February 22, 2017. Available at: www.devex.com/news/un-outlines-new-way-of-working-in-crisis-with-4-4b-famine-appeal-for-4-countries-89697.

28 Mousseau, *supra* note 4.

29 Braham, *supra* note 22.

30 For more information, please see "Ten Years after the World Food Crisis: Taking Up the Challenge of the Right to Food" in this issue of the *Right to Food and Nutrition Watch*.

31 Mousseau, Frederic. *The High Food Price Challenge: A Review of Responses to Combat Hunger*, The Oakland Institute, 2010. Available at: www.oaklandinstitute.org/sites/oaklandinstitute.org/files/high_food_prices_web_final.pdf.

32 Pantuliano, Sara and Mike Wekesa. *Improving drought response in pastoral areas of Ethiopia: Somali and Afar Regions and Borena Zone of Oromiya Region*. London: CARE, FAO, Save the Children UK, Save the Children US, Overseas Development Institute, January 2008. Available at: www.fao.org/fileadmin/user_upload/drought/docs/HPG%20Drought%20Response.pdf.

33 For more information, please see: G8 Experts Group on Global Food Security' statement's "G8 Efforts towards Global Food Security". Available at: www.g8italia2009.it/static/G8_Allegato/G8_Report_Global_Food_Security%2C2.pdf.

34 For more information, please see: www.oecd.org/swac-expo-milano/presentationsanddocuments/rpca-agir-alain-sy-traore-cedeao.pdf; "The Regional Food Security Reserve". *West Africa Brief* —Actualité ouest-africaine, September, 5 2016. Available at: www.west-africa-brief.org/content/en/regional-food-security-reserve.

35 USAID. *Food Assistance Fact Sheet—Ethiopia*. May 26, 2017. Available at: www.usaid.gov/ethiopia/food-assistance.

36 USAID, *supra* note 35.

provide emergency food assistance to 10.2 million people³⁷ in addition to the 8 million already assisted by the safety net.

AN URGENT NEED: THE OVERHAUL OF THE DOMINANT DEVELOPMENT PARADIGM

The case of Ethiopia highlights a major challenge for our ability to deal with crises that affect chronically food insecure countries. Whereas one may improve the delivery of relief aid and establish safety nets, the root causes of food insecurity are not addressed. Similarly, nutritional products such as RUTF, if effective at treating acute malnutrition and reducing mortality in specific emergency situations, are doing nothing about the causes of malnutrition. Tackling these causes would require solid food and agricultural policies and investments to stop land degradation and restore the soil's fertility, diversify crops, provide adequate extension and financial services to farmers, and regulate agricultural markets. However, the main Western donors and international institutions such as the World Bank tend to prevent such policies and investments to be put in place. They promote instead a development paradigm, which is largely based on the much challenged assumption that the long term solutions to hunger and poverty will come from foreign investment and economic growth.³⁸ This vision is not surprising after all, given that the same Western 'donor' countries, namely the US, UK and other European countries, are the largest acquirers of agricultural land in the developing world.³⁹

Unfortunately, many governments in the developing world follow this vision in their policies, worsening food insecurity, undermining people's resilience and increasing their vulnerability to climatic and economic shocks. Whereas Ethiopia needed international support to feed some 18 million food insecure people in 2016, it was at the same time offering millions of hectares of land to foreign investors for plantation development.⁴⁰ Violating peoples' rights to food and to land, the land grabbing trend continues to unfold in many developing countries, with millions of hectares acquired by foreign interests in recent years. The expansion of monocropping plantations, often for export crops, goes with dispossession of land and resources for local people, growing dependency on imported agricultural inputs for farmers and countries, growing environmental degradation, destruction of natural resources and water ways vital for farmers and pastoralists. It brings inevitably more people on the brinks of hunger and poverty instead of building resilience and food security.

The positive fixes of the food relief system should not distract us from what remains the major challenge for the realization of the right to food and nutrition: a dominant economic order that continues to exploit the poorest people and their natural resources for the profit of a few.

INSIGHT 9.1 Protecting Children's Right to Food and Nutrition in Emergencies: Local Solutions Come First Marcos Arana Cedeño⁴¹

The highest standard in the realization of the human right to adequate food and nutrition in emergencies is to build resilience and restore the capacity of people to feed themselves. Dependence and the neglect of appropriate measures that promote resilience are among the main contributors to protracted emergencies.

37 Joint Government and Humanitarian Partners' Document. 2016 *Ethiopia Humanitarian Requirements Document*. Available at: reliefweb.int/sites/reliefweb.int/files/resources/ethiopia_hrd_2016.pdf.

38 For more information, please see: Martin-Prével, Alice. *Unfolding Truth: Dismantling the World Bank's Myths on Agriculture and Development*. The Oakland Institute, 2014. Available at: www.oaklandinstitute.org/unfolding-truth.

39 US: 9.9 million h, EU 3.8 Million h, UK 2.3 million h. Available at: www.landmatrix.org/en/get-the-idea/web-transnational-deals/.

40 Mousseau, Frederic et al., *Miracle or mirage? Manufacturing Hunger and Poverty in Ethiopia*. The Oakland Institute, 2016. Available at: www.oaklandinstitute.org/miracle-mirage-manufacturing-hunger-poverty-ethiopia.

41 Marcos Arana Cedeño is researcher at the National Institute of Nutrition Salvador Zubirán (INNSZ), director of the Training and Education Centre of Ecology and Health for Peasants (CEESC), and coordinator of the International Baby Food Action Network (IBFAN) Mexico. IBFAN is a global network that works to protect, promote and support breastfeeding and food-based complementary feeding to realize a child's rights to health and adequate food and nutrition. Special thanks to Nora McKeon (International University College Turin, Rome 3 University and Terra Nuova) and Stefano Prato (Society for International Development, SID) for their support in reviewing this insight box.

This text analyzes the uses and risks of so-called ready-to-use foods (RUFs), which encompass ready-to-use therapeutic foods (RUTFs) and ready-to-use supplementary foods (RUSFs). RUTFs are those used in cases of severe acute malnutrition (SAM)—an emergency, while RUSFs were developed later for moderate acute malnutrition (MAM), a pre-emergency status. In other words, the former are used for treatment, while the latter are being promoted for supplementation. There is a controversy on the use of RUSF not only due to the fact that the boundaries between SAM and MAM may often be grey, but also because it is crucial to make a distinction between the essential medical treatment and the medicalization of nutrition, delinking solutions from food systems.

FALSE SOLUTIONS TO FEEDING CHILDREN IN EMERGENCIES

The use of RUTFs has shown to be a suitable temporary measure to treat SAM in some circumstances, especially in emergency situations. Nevertheless, the use of RUTFs absorb an increasing proportion of the meager funds dedicated to emergency relief operations, thus undermining the capacity to promote breastfeeding and best nutritional practices as well as sustainable solutions for food insecurity. Demand for RUTFs has stimulated the growth of a specific industry and opened the gate to the development of a variety of RUFs that unscrupulously target emergencies for commercial purposes, and push for their use as preventive measures in stable populations as well.⁴²

The UN endorses the use of RUTFs only for SAM treatment. The reasons are very clear. Apart from the technical discussions about formulation and the insufficient evidence of its long-term effects, there are well-founded reasons for a more cautious use of RUTFs and RUFs, since they may contribute to an increased risk of obesity and chronic diseases in adult life. Additionally, the water needs of RUSF-fed children are significantly higher than those fed with locally prepared foods. This means that an extra effort is needed to supply the children with a sufficiently safe water supply. Another important disadvantage of RUSFs is that they may subsequently replace breastfeeding. This replacement is especially negative in emergencies, where protection and promotion of breastfeeding have proven to be the cornerstones for the survival of the child and a right to food and nutrition, since breastfeeding is, even in the most extreme conditions, an act of sovereignty.

During the Second International Conference on Nutrition (ICN2) preparatory meetings that were held at the UN Food and Agriculture Organization (FAO) in November 2014—and in which civil society organizations (CSOs) participated—more than 20 NGOs and other civil society groups stated: “Donors should start phasing out the use of product-based approaches for the prevention of malnutrition, and move to human rights-based, locally owned, bottom-up approaches, and restrict the use of product-based approaches to the treatment of acute malnutrition”.⁴³

THE SOLUTIONS FOR SAVING CHILDREN’S LIVES ARE IN OUR PEOPLES

Cases of SAM in infants under 6 months of age often emerge in contexts of crisis. The Operational Guidance for Infant and Young Child Feeding in Emergencies⁴⁴ is an effective tool to safeguard breastfeeding as the most effective and sustainable resource for preventing infant mortality, boost infant growth and development that contributes to building resilience more than any other intervention, including

42 For more information, please see: Rundall, Patti. “The ‘Business of Malnutrition’: The Perfect Public Relations Cover for Big Food.” *Right to Food and Nutrition Watch* (2015): 23–27. Available at: www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2015_eng_single-page_Web.pdf.

43 Oenema, Stineke (on behalf of civil society). “FAO-WHO International Conference on Nutrition. Needed: Partnership with civil society. [Feedback].” *World Nutrition* 5(5) (2014): 495–9.

44 For more information on the Operational Guidance for emergency relief staff and program managers, please visit: www.who.int/nutrition/publications/emergencies/operational_guidance/en/.

cases where a high prevalence of SAM and HIV are combined. In contexts where bottle-feeding is common, the Operational Guidance also includes measures to reduce the incremented risk for bottle-fed babies in emergencies. By significantly contributing to reducing SAM, the adequate implementation of these guidelines also cuts back the need for therapeutic feeding.

Regulations that are similar to the International Code of Marketing Breast-milk Substitutes need to be developed for the use, and particularly the advertising and marketing of RUTFs and RUFs. The aim is to restrain the use of the former for severely malnourished children as well as for preventing undue promotion and conflicts of interest. As previously expressed in this publication, in regard to cases of mild, moderate and acute malnutrition: “The issue is how to do it in a way that provides the best treatment possible for the child, while simultaneously promoting the support needed by the family and the community to recover their capacity to adequately feed all their members”.⁴⁵

The high amount of resources needed for the production and transportation of branded RUFs could be invested in more sustainable solutions, such as the experiences of productive gardens and camel breeding for milk in the refugee camps in Western Sahara or the women’s responses to typhoon Haiyan in the Philippines, referred to in previous issues of the *Watch*.⁴⁶ Unfortunately, the promotion of community-based and government-supported empowerment of people living in poverty to claim their right to food and nutrition are still neglected, but CSOs and conscientious health professionals will continue to promote and advocate for local bottom-up solutions to protect children’s rights in emergencies.

INSIGHT 9.2 Collective Violation: Yemen and the Right to Food

*Martha Mundy*⁴⁷

On May 24, 2017, after more than two years of internationally sanctioned war on the country, the United Nations (UN) Humanitarian Coordinator in Yemen, Jamie McGoldrick stated: “Seven million people in Yemen face the possibility of famine and now over one hundred thousand people are estimated to be at risk of contracting cholera”.⁴⁸ Of these, almost half a million children face acute malnutrition in what the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) describes as “the largest food insecurity emergency in the world”.⁴⁹ Cholera, as McGoldrick notes, is closely associated with malnutrition.⁵⁰ Famines are man-made, above all by war.⁵¹ Yemen is no exception.

Before turning to the tragedy in Yemen, let us recall two central issues stressed by two former UN Special Rapporteurs on the Right to Food.

First, the human right to adequate food and nutrition is a complex social concept. Olivier De Schutter noted “[...] the importance of a ‘whole-of-government’ approach to the realization of the right to food (cutting across distinct sectoral policies), as well as the importance of legal, institutional and policy frameworks.”⁵² At stake is not only national government policy but also that of neighboring states, international monetary and development institutions, as well as multinational corporations.

Second, whereas the language of human rights has its origin in claims by subjects against a state, in war neither actors nor actions correspond to the model of an individual subject facing a national state. In his first reports of 2001 to the UN Commission of Human Rights and the UN General Assembly, Jean Ziegler cast

45 Schieck Valente, Flavio Luiz. “The Corporate Capture of Food and Nutrition Governance: A Threat to Peoples’ Human Rights and People’s Sovereignty.” *Right to Food and Nutrition Watch* (2015): 15–22. Available at: www.righttofoodandnutrition.org/node/25.

46 For more information on the experiences in Western Sahara and in the Philippines, please see: Brahim, Taleb. “Cultivating Hope for Western Sahara: Moving my People toward Self-Sufficiency.” *Right to Food and Nutrition Watch* (2016): 55–56. Available at: www.righttofoodandnutrition.org/cultivating-hope-western-sahara; Cedeño Arana, Marcos, M. Innes Av. Fernandez and R. Denisse Córdova Montes. “Women’s Responses to Typhoon Haiyan in the Philippines.” *Right to Food and Nutrition Watch* (2014): 39–40. Available at: www.righttofoodandnutrition.org/files/R_t_F_a_N_Watch_2014_eng.pdf#page=39.

47 **Martha Mundy** is Professor Emerita of Anthropology at the London School of Economics and Political Science (LSE). She is grateful to the International Development Research Center (IDRC) funded Agriculture Environment and Health grant at the American University of Beirut for financial support of cartographic analysis by Cynthia Gharios. Special thanks to Franck van Steenberg (MetaMeta) and Emily Mattheisen (FIAN International) for their support in reviewing this insight box.

48 UNOCHA. *Statement by the Humanitarian Coordinator in Yemen, Mr. Jamie McGoldrick, on the Urgent need for Funding to Halt the Spread of Cholera*. May 24, 2017. Available at: reliefweb.int/report/yemen/statementhumanitarian-coordinator-yemen-mr-jamie-mcgoldrick-urgent-need-funding-halt.

49 For more information, please visit: interactive.unocha.org/emergency/2017-famine/index.php.

50 UNOCHA, *supra* note 48.

51 For a recent, brief survey of famine as a weapon of war, please see: de Waal, Alex. “The Nazis used it, we use it: on the return of famine as a weapon of war.” *London Review of Books*, 39(12) (2017): 9–12. Remarkably de Waal makes no mention of the development of a right to food and nutrition. Available at: www.lrb.co.uk/v39/n12/alex-de-waal/the-nazis-used-it-we-use-it.

52 De Schutter, Olivier. “The Right to Food Guidelines, Food Systems Democratization and Food Sovereignty: Reflections by Olivier de Schutter. Interview.” *Right to Food and Nutrition Watch* (2014): 17–21. p. 21. Available at: www.righttofoodandnutrition.org/ten-years-right-food-guidelines-gains-concerns-and-struggles.

- 53 UN General Assembly. Preliminary report of the Special Rapporteur of the Commission on Human Rights on the right to food, Jean Ziegler (A/56/210). July 23, 2001, para 37. Available at: [unispal.un.org/DPA/DPR/unispal.nsf/0/BF212836491D592685256AE60074C35E](https://www.unispal.un.org/DPA/DPR/unispal.nsf/0/BF212836491D592685256AE60074C35E).
- 54 *Idem*, para 56.
- 55 Lackner, Helen P.D.R. *Yemen: Outpost of Socialist Development in Arabia*. London: Ithaca Press, 1985. pp.171–88.
- 56 *Qat (Catha edulis)* is a shrub, the leaves of which when chewed have amphetamine with mild hallucinogenic qualities; it is not a narcotic but is the primary recreational drug in Yemen. For more information, please see: Brehony, Noel. *Yemen Divided: The Story of a Failed State in South Arabia*. London: I. B. Tauris, 2011. p. 71.
- 57 For instance, in the region of Turbah, south of Taiz, “[i]n 1977 some farmers reported that they have stopped the cultivation of wheat because imported wheat is much cheaper than that which is locally produced”. Yemen Arab Republic. *Final Report on the Airphoto Interpretation Project of the Swiss Technical Co-operation Service, Berne Carried out for the Central Planning Organisation, Şan’a*. Zurich, 1978. p. 13.
- 58 For more information on the political economy of water, please see: van Steenberg, Frank, Assefa Kumsa, and Nasser al-Awlaki. “Understanding political will in groundwater management: Comparing Yemen and Ethiopia”. *Water Alternatives* 8(1) (2015): 774–799. Available at: www.wateralternatives.org/index.php/alldoc/articles/vol8/v8issue1/276-a8-1-9/file.
- 59 For a more detailed discussion, please see: Mundy, Partha, Amin al-Hakimi, and Frédéric Pelat. “Neither security nor sovereignty: the political economy of food in Yemen.” *In Food Security in the Arab World*, edited by Zahra Babar, and Suzi Mirgani. London: Hurst, 2014. pp. 137–59.
- 60 Würth, Anna. “Stalled reform: family law in post-unification Yemen.” *Islamic Law and Society*, 10(1) (2003): 133.
- 61 WFP. *The State of Food Security and Nutrition in Yemen: Comprehensive Food Security Survey*. 2012. p. 18. For more information on estimates of food insecurity in 2009, showing large areas of the country with 40% severe food insecurity and 60% or more stunting in children, please see: International Food Policy Research Institute (IFPRI) and Ministry of Planning and International Cooperation, Yemen. “Yemen National Food Security Strategy: 1 Overview and Action Plan”. *Policy Paper* (2011). Figures 1 and 2. pp. 2–3.

“international humanitarian law as an important element in the legal armory to protect the right to food”.⁵³ Among the major cases of violation of the right to food, he wrote of Iraq: “[...] subjecting the Iraqi people to a harsh economic embargo since 1991 has placed the United Nations in a clear violation of the obligation to respect the right to food of people in Iraq”.⁵⁴

In the case of Yemen, who determined a food policy that was failing the people of Yemen even before the war? And what actors and actions have grievously violated the right to food and nutrition of Yemeni people during the on-going international war launched in March 2015?

TRAJECTORY OF FOOD PRODUCTION AND POLICY IN YEMEN

Lying at the southwest corner of the Arabian Peninsula, Yemen spans half a million square kilometers and today has a population of some 25 million persons. Measured in per capita GDP, Yemen is the poorest country of Southwest Asia, but it is the richest of the Arabian Peninsula in cultural and agricultural traditions. Today’s Republic of Yemen was born from the union in 1990 of the southern People’s Democratic Republic of Yemen (PDRY, established in 1967) and the northern Yemen Arab Republic (established in 1962). The PDRY pursued land redistribution, forced cooperative association in agriculture, and dictated control of crop choice and marketing.⁵⁵ Notably, the government regulated and restricted the sale of qat, a mild recreational drug.⁵⁶

After the 1990 unification, agricultural policy, like other policies, was unified on the model of the north. There, agricultural policy had effectively been based on the premise that the arid and largely mountainous terrain of Yemen was incapable of producing high-quality grain crops, especially wheat, at prices that would be competitive on the international market.⁵⁷ Indeed, Yemen’s historical grain crops were sorghum, millet, barley, wheat and maize in that order. Under the guidance of the international development agencies, the focus turned to increasing higher market-value agricultural produce for the markets of Saudi Arabia and for the Yemeni cities more generally. Not surprisingly, farmers expanded the one market crop that had no international competitor—qat—with deleterious effects on water tables, land concentration, and food security.⁵⁸ It was only from 2008 that, with rising rural food insecurity, aid agencies began to offer some support for rain-fed agriculture, although never abandoning the mantra of the sanctity of international market valuation.⁵⁹

This bundle of contradictions put Yemen in a vulnerable position by 2011, when many of the people of Yemen, long close to Egypt, decided that it was time to rid themselves of their own autocratic president, Ali Abdullah Saleh, in power since 1978. His rule witnessed the creation of an oligarchy enriched by oil revenues, political payments, land acquisition, and monopolistic market concentration. And it acquiesced in the development of a government of divided responsibility: the Yemeni state as responsible for law, education, military force and internal security, and ‘outside’ governing organizations for economic and development policy, particularly agricultural policy, as part of ‘aid’.

Whereas the former PDRY had instituted the most progressive family law in the Arab countries, family law too was largely to follow the conservative model of the north.⁶⁰ Even more important for women in rural areas, universal health care, population planning, and valuation of women’s work were not government priorities. Thus well before the war, in 2012 the World Food Program (WFP) stated that “ten million Yemenis, nearly half of the population, were food insecure.”⁶¹ Food insecurity

was described as primarily a rural problem concerning 37% of the rural population.⁶² From the end of 2011, Oxfam and the WFP were calling for the supply of emergency food aid to upwards of one quarter of the population.⁶³

THE GREAT POWERS ORGANIZE A POLITICAL TRANSITION

This governing order was challenged in the massive mobilizations of 2011 and 2012, led by the youth of Yemen in a reaction against their unemployment, the militarization of government, and the marginalization of wide constituencies in the country.⁶⁴ Eventually the oligarchy split, with the once allied Islamist Islah party abandoning Saleh. The scale of the potential challenge to the arrangements for governing Yemen led rapidly to an internationally brokered Gulf Cooperation Council (GCC) program for political transition, managed by the UN-Special-Envoy.

Within this process, no fundamental economic policy changes were introduced and two aggrieved parties were sidelined: the southern Separatist Hirak movement and the Houthi-led Ansarullah movement, which arose in the marginalized agricultural north of Yemen bordering Saudi Arabia. In September 2014 the Ansarullah movement—backed by important sections of the Yemeni army—seized control of Sanaa, the capital of the Yemen Republic. In the wake of that, the UN Special Envoy Benomar signed off the Peace and National Partnership agreement, drawn up on September 21, 2014. The autumn of 2014 witnessed the elimination of the Islah party from government institutions and a series of large political meetings open to the other parties of the country. It was only in January that the government of Hadi resigned following the Houthi attack on the presidential palace on January 21.

From then on, international management gradually prepared for war: On February 11 the US and UK were closing their embassies, two days later the French; and five days later the World Bank (WB), which stopped all payments from March 11. After Hadi fled Sanaa, he reached Aden and retracted his resignation. On March 26, with Western military assistance, the GCC Coalition (minus Oman) began bombing. On April 14, the UN Security Council (UNSC) voted into effect Resolution 2216, with only Russia abstaining. Drafted by the penholder and former colonial power (in South Yemen), the United Kingdom, this resolution through ‘constructive ambiguity’ effectively accorded the Saudi-led coalition Chapter VII⁶⁵ powers to wage a war already under way, the declared aim being to reinstall the ‘legitimate government’ of President Abd Mansur Hadi. Four days later the UN Special Envoy Benomar resigned, condemning the use of force, calling for the respect of Yemeni sovereignty, and emphasizing the capacity of Yemenis still to negotiate a solution.

Western ‘coverage’ of the character and effects of the war during 2015–16 reflected the departure of the most powerful of the agencies, notably the WB, and the scaling down of work of many of the other organizations. Most appear to have skeleton budgets: In late 2016, the UN Food and Agriculture Organization (FAO) reported only 20% funding of its major emergency project, and most closed down or very severely reduced any work they did. The Social Fund for Development only 18%; the WB having disbursed 44% of funds pledged. The UN Development Program (UNDP), UNOCHA, World Health Organization (WHO), WFP and sister organizations remained while moving towards ever more basic aid for food, health and shelter. In a word, the development complex slid towards being a parallel

62 Global Agriculture and Food Security Program (GAFSP). “Republic of Yemen, Proposal for Yemen: Smallholder Agricultural Productivity Enhancement Program, Phase One Roll Out of National Agriculture Sector Strategy [NASS] for Yemen’s Efforts towards Achieving Food Security under Global Agriculture and Food Security Program, Sanaa”. June 4, 2013. Section 1.1. Available at: www.gafspfund.org/sites/gafspfund.org/files/Documents/4.%20Yemen%20Proposal.pdf.

63 WFP, *supra* note 15; Clements, Ashley Jonathan. “Yemen: Fragile Lives in Hungry Times”. *Oxfam Briefing Paper* 152 (2011).

64 For more information, please see: Carapico, Sheila. “Yemen between revolution and counter-terrorism”. In *Why Yemen Matters: A society in transition*, edited by Helen Lackner. London: Saqi Books, 2014. pp. 29–49.

65 For more information on Chapter VII responsibilities and powers of the UNSC with respect to threats to the peace, breaches of the peace and acts of aggression, please visit: www.un.org/en/sections/un-charter/chaptervii/.

government of humanitarianism in Yemen. In 2017 this appears to have become formalized: only ‘humanitarian’ assistance was to be internationally sponsored.

Thus, it was the NGO sector—not the WB or the UN—which first issued reports that made their way into the Western media. Oxfam, which has large programs in Yemen, reported from early on about the deepening humanitarian crisis and the massive impact on internally displaced persons in the country. Figures of how many Yemeni were displaced and hungry dominated their reports as they do those of the specialized humanitarian UN organizations. The major Western rights NGOs, Human Rights Watch and Amnesty, started early on to document war crimes and violations of International Humanitarian Law (IHL) and to investigate particular incidents. Médecins sans Frontières (MSF), which continued to work in all areas of the country (save Hadramaut and Mahra), came to be under direct military and political pressure from the coalition. After the fourth attack on one of its hospitals (Abs, August 15, 2016) it withdrew its staff from hospitals in the two northernmost provinces.

PATTERN OF THE WAR

Because of the operational shut-down of the major development agencies from March 2015, little internationally validated information exists in the public domain about the wider pattern of bombing by the coalition beyond particular strikes documented by human rights NGOs.⁶⁶ The broader pattern is required to understand strategy and responsibility.

The coalition war has gone through several phases. The early months saw bombing focus primarily on military targets but with spectacular implosion bombs around Sanaa. From August 2015, the relative balance in targeting shifted to civilian over military. The war throughout had an economic component. During the first thirteen months of the war, an unfettered Saudi blockade and inspection of all sea and air transport to Yemen was in effect. Only in May 2016 did a UN Verification and Inspection Mechanism (UNVIM) become operative, but not long after, bombing raids on civilian and military targets were resumed. Lastly, from early 2017 the coalition focused on seizing the ports of Tihama and the road to Sanaa, and on consolidating occupation of islands in the Red Sea and Indian Ocean (Perim and Socotra). Bombing raids continue daily with virtually no international media coverage.

TARGETING OF RURAL YEMEN

The focus here is on rural Yemen, home to 65% of the population, and primary site of food production. An analysis of the pattern of bombing over the first 15 months of the war reveals a clear pattern of targeting food production, technical support for agriculture, local food distribution, and water infrastructure.⁶⁷ According to the FAO Statistics (FAOSTAT), agriculture covers just under 3% of land in Yemen, 1% of forests, and roughly 42% of pastures.⁶⁸ In short, to target agriculture requires taking aim.

If one cumulates the detailed descriptions provided by the extension officers of the Ministry of Agriculture and Irrigation to the head office in Sanaa for the period of March 2015 to August 2016 into basic categories, one finds that targets of bombing (often more than once) were as follows: 53 government agricultural and irrigation offices; 77 animal flocks and poultry farms; 180 farm and agricultural lands; 45 rural

⁶⁶ The only sources publicly available are the logs kept by ministries in Sanaa and by activists on the basis of daily local media reports. For more information on data from the Ministry of Agriculture and Irrigation, and from Yemen Data Project please see: yemenspring2015.wordpress.com/2016/02/; and www.yemendataport.org/data/.

⁶⁷ A table by the author shows the types of targets and that many targets were hit multiple times. For cartographic analysis of the material, please see: wp.me/p5Khnv-1eT; and www.athimar.org

⁶⁸ For more information, please visit: www.fao.org/faostat/en/#country/249.

markets; 43 rural transportation infrastructure; 30 water infrastructure; and 36 other vital services such as agricultural credit banks and technical schools. These counts are conservative for the period they cover and do not include the targets of bombing since August 2016. Placing the rural damage alongside the targeting of food processing, storage and transport in urban areas, one sees strong evidence that coalition strategy has aimed to destroy food production and distribution in the areas which the Ansarullah and the General People's Congress (GPC) control. This has particularly harmed rural women and children. Thus, only 7 months into the war, in a report that puts to shame the silence of the other international organizations, the ILO reported that in the three governorates of Sanaa, Hudayda and Aden "[...] displacement affected mainly the rural population (two-thirds of those displaced came from rural areas) and women, who accounted for 95% of the total displaced population" and that agriculture was "the sector most affected by the crisis with a loss of almost 50% of its workers".⁶⁹

Destruction of access to food and water constitutes a war crime under IHL. For that reason, Jean Ziegler argued for the centrality of IHL in elaborating the right to food. Using food and food sources as a weapon, as well as depriving people of the means to feed themselves, their families and communities is today a clear violation of the human right to food and nutrition. But who is to prosecute when the same international organizations and national states which stood aside for months of bombardment and blockade now play the role of humanitarian intervention to save Yemenis from famine and cholera? And who is watching?

It is at this hard edge of the world that mobilization for the right to food and nutrition is tested.

And found wanting.

INSIGHT 9.3 Food Sovereignty and the Right to Food in Emergency Situations in Haiti

Franck Saint Jean and Andrévil Isma⁷⁰

Haiti, situated in the Greater Antilles archipelago of the Caribbean, is the country in the entirety of the Americas most likely to be hit by natural disasters such as drought, cyclones and floods. In the aftermath of the earthquake that struck on January 12, 2010, measuring 7 on the Richter scale, and leading to the death of 200,000 to 316,000 people, Haiti experienced a painful period with a significant increase in the number of people living in precarious conditions. Shortly after, in October 2016, 2.1 million people⁷¹ were affected by Hurricane Matthew, with some communities losing up to 90% of their livelihoods. Today, there are an estimated 4.5 million people in Haiti currently living in food-insecure households.⁷²

HISTORICAL BACKGROUND

Poverty and environmental degradation in Haiti are both structural and historical. The profound inequalities, a legacy of slavery that characterized the period of French colonization have lived on through the country's independence. It was during that era when the political and economic elites confiscated land and sought to maintain the mass of freed slaves as workers on their plantations. To escape, these men and women fled to the mountains⁷³ to establish their communities.

69 Only the International Labor Organization (ILO) undertook new work with the Central Statistical Office in Sanaa to produce an update labor market survey in autumn 2015. For more information, please see: ILO. *Yemen Damage and Needs Assessment. Crisis Impact on Employment and Labour Market*. ILO Regional Office for Arab States, January 2016, pp. 7, 9. Available at: www.ilo.org/wcmsp5/groups/public/---arabstates/---robrerut/documents/publication/wcms_501929.pdf.

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71 United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Haiti. "Haiti: Ouragan Matthew." *Rapport de situation* 14 (October 21, 2016). Available in French at: reliefweb.int/report/haiti/ha-ti-ouragan-matthew-rapport-de-situation-no-14-21-octobre-2016.

72 Worlgenson, Noël. "CNSA: 4,5 millions de personnes vivent actuellement dans l'insécurité alimentaire en Haïti." *Le Nouvelliste*, April 6, 2017. Available in French at: lenouvelliste.com/article/169921/CNSA.

73 The word for mountain in Antillean, especially Haitian, creole is *morne*; 60% of the country's surface (27,750 km²) is made up of hills with an inclination of over 20%. Throughout the 18th century, the *mornes* in Haiti and in other countries in the Caribbean were used as places of refuge for slaves on the run (the *marrons*).

This situation was reinforced under the US military occupation of Haiti from 1915 to 1934, which had serious repercussions for the island. These included the first large-scale expropriation of lands for export production for US markets; the forced migration of Haitian peasants to Cuba and the Dominican Republic; the development of laws favoring American interests; land grabbing; and the establishment of drudgery and forced labor in Haiti. This benefited large agricultural plantations and railway construction, which was needed to transport products to the ports. During this period, Haiti lost 36% of its vegetation cover.⁷⁴

Combined with a high population density (350 inhabitants per km²),⁷⁵ the situation worsened with the imposition of neo-liberal policies from the 1990s onwards. These reforms led to a dramatic reduction in tariffs, the closure and privatization of state-owned enterprises, reduced investment and debt payment. The impacts of these policies for both the people and the economy were profound: loss of access to basic social services; decreasing domestic agricultural production; people's impoverishment; and degradation of the environment.⁷⁶

MOBILIZING FOR THE RIGHT TO FOOD AND FOOD SOVEREIGNTY

The human right to adequate food and nutrition and food sovereignty are key themes for many social and human rights organizations, as well as national and international NGOs. Over the past two decades, national networks of Haitian peasant organizations have built significant movements across the country and the region for the defense of national agricultural production, in line with food sovereignty.

Despite historical structural difficulties, peasant agriculture has remained the main source of employment in the country, and today, provides half of all food consumed.⁷⁷ Much of the produce also comes from the neighboring Dominican Republic. Here lies a genuine paradox: Haitian peasants represent 90 percent of the agricultural workforce in the Dominican Republic,⁷⁸ while in Haiti they fight for access to land and means of production. Indeed, political leaders expropriate land from Haitians, selling it to foreign buyers under the pretext of capital investment that fails to materialize.

At the World Food Summit in Rome in November 1996, Haitian President René Garcia Préval committed to taking all necessary legal and institutional measures to eradicate hunger in Haiti. He also pledged to launch a series of initiatives including the creation of the National Institute for the Application of Agrarian Reform (INARA), the National School Meals Program (PNCS) and the National Coordination for Food Security (CNSA). Despite this, many inconsistencies persist in public policy and international food aid.

REBUILDING HUMANITARIAN ASSISTANCE

Neither agricultural production for local consumption nor protection of natural resources are priorities for Haitian leaders and international partners. While the rural population comprises about half of the total population, agriculture represents less than 5% of the national budget. Moreover, 95% of the budget for agricultural investment depends on external cooperation,⁷⁹ which more often than not, reneges on its promises.

Official development assistance follows the same trend of disrespect towards agriculture and does not allow significant investment in food production. Accordingly,

74 Roc, Nancy. "Haïti-Environnement: De la 'Perle des Antilles' à la désolation". *Alter Presse*, September 24, 2008. Available in French at: www.alterpresse.org/spip.php?article7728#.WT47IDco_IU.

75 Nobera, Epitace. *Haïti Sécurité Alimentaire en Bref*. Haiti: USAID, April 2014. Available in French at: www.fews.net/sites/default/files/documents/reports/Ha%C3%AFti_FS_Brief_2014_final_0.pdf.

76 Montas, Rémy. *La pauvreté en Haïti: situation, causes et politiques de sortie*. Commission économique pour l'Amérique Latine et les Caraïbes (CEPALC). August 12, 2005. Available in French at: repositorio.cepal.org/bitstream/handle/11362/25746/LCMEXR879f_fr.pdf?jsessionid=BE15AEB6C6C24F62D0BDC6D63A03E1793?sequence=1.

77 Nobera, *supra* note 75.

78 Brunot, Tamara. "Les Haïtiens constituent l'un des piliers de l'économie Dominicaine." *Caraïbe Express*, January 7, 2012. www.caraibexpress.com/la-une/article/les-haitiens-constituent-l-un-des-1863.

79 Alter Presse. "Haïti-Économie: Le budget national 2015-2016, non conforme aux objectifs de développement national, selon des associations." October 6, 2015. Available in French at: www.alterpresse.org/spip.php?article18957#.WUAkpTco_IU.

agriculture cannot adequately fulfill its three core functions: to feed the population, play a role in environmental regeneration and contribute to the wellbeing of all who live in the country. Peasants, as active agents of their own change, must be able to independently build and strengthen their capacity for action and reaction, to be able to manage their own development, and face multiple challenges, especially, those related to climate change.

The position of Haiti in relation to the hurricane belt, seismic faults and structural problems make it especially fragile. This implies that national policies should be in place to focus on protecting natural resources and building institutional and technical capacity to respond to emergencies. However, the budget allocated to civil protection is not sufficient to develop an effective land-use policy. Given that approximately 56% of the national budget depends on external assistance,⁸⁰ the interventions of Haiti's successive governments carefully align with donors' guidelines. Yet, donors do not fund strategies for enhancing domestic production or building institutional capacity for emergency response.

A small island state, Haiti is one of the countries most affected by the catastrophic impacts of climate change.⁸¹ It seems unfair to ask all countries to support initiatives to mitigate greenhouse gas emissions, while some, like Haiti, are not significant emitters. They should, instead, benefit from significant investment to adapt and deal with the detrimental impacts of climate change. Policy-makers must organize themselves to demand that adequate resources are provided for institutions worldwide, following commitments at the 2015 UN Climate Change Conference (COP 21) in Paris.

Unfortunately, the international community continues to provide aid without strengthening national agricultural production. The case of Hurricane Matthew is a prime example. The Grand'Anse region stands out because of its reserves of vegetation and consumption of local crops. Following the devastation caused by the hurricane, the mass distribution of rice, a foodstuff not normally consumed locally, led to a change in eating habits, food dependence, and nutritional problems, as well as the marginalization of food producers. This type of intervention prevents the development of strategic production models; it does not integrate innovative technologies, nor focus on enhancing the productive potential of the region.

International humanitarian assistance is essential and is a right for any community affected by disasters exceeding its capacity. However, guidance from the World Humanitarian Summit in 2016 clearly insists on reforming the architecture of humanitarian assistance and local leadership, both local authorities and civil society organizations. In 2015, in advance of the Summit, in order to promote sustainable development and reduce the vulnerability of population to disasters, Oxfam proposed the following: local capacity development, the supporting role played by humanitarian organizations, valuing local cultural development practices, the need to link emergency and long-term interventions, and investment in the building of resilience.⁸²

In this respect, aid response must be amended, first and foremost to assist countries and communities to strengthen their institutions and their capacity to prevent, to act and to react, otherwise aid response in its current form will continue to aggravate the situation thus preventing victims from standing up and becoming agents in the reconstruction of their communities.

80 Cadre de Coordination de l'aide externe au développement d'Haïti (CAED). *État des Lieux de L'Aide Externe en Haïti*. 2013. Available in French at: www.mpcce.gouv.ht/sites/default/files/caedetadleslieux.pdf.

81 For more information on people's resilience to climate change, please see the article "Faced with Climate Crisis, Look to Peoples' Solutions" in this issue of the *Right to Food and Nutrition Watch*.

82 OXFAM. "For Human Dignity. The World Humanitarian Summit: the challenge to deliver". *Oxfam Briefing Paper* (2015). Available at: www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp205-for-human-dignity-worldhumanitarian-summit-080715-en.pdf.

*Perspectives from
Social Movements and
Civil Society*

This article was drafted based on inputs provided through questionnaires and face-to-face interviews with social movements, indigenous peoples and civil society organizations, including [La Via Campesina \(LVC\)](#), [World Forum of Fisher Peoples \(WFFP\)](#), [International Indian Treaty Council \(IITC\)](#), and [International Baby Food Action Network \(IBFAN\)](#).

It also reflects contents of the [Viotá Declaration of the Global Network for the Right to Food and Nutrition](#) and the current and previous issues of the *Right to Food and Nutrition Watch*, its flagship publication.

The global, industrial, economic bubble unsurprisingly burst a decade ago, yet we are still witnessing and experiencing its effects in our daily lives. It was the inevitable outcome of a model that prioritizes profit at the expense of everything else: our lives, our rights and our nature. The crisis was building for years and a billion people were pushed to hunger because of drastic food price volatility, and as a result of a multi-fold crisis that grew, squeezed and affected our food systems, climate and human rights.

After ten years, the dominant approaches that led to the crisis still persist. During this time, social movements and civil society organizations strengthened their efforts in the struggle for radical socio-economic and political transformations, which are capable of generating the full realization of human rights for all. The questions to be asked now are, how do we move forward and how do we fine-tune our strategies and tools to find the most beneficial way out this crisis?

BREAKING THE CRISIS CYCLE

In the last decade, good progress has been made by social movements in promoting food sovereignty and the human right to adequate food and nutrition in the Global South. These concepts, however, are still not well understood in the Global North. The misconception persists that the right to food and nutrition concerns mostly countries that are plagued by famines and chronic malnutrition, and has very little to do with the increasing rates of obesity and associated non-communicable diseases caused by the widespread imbalanced and industrialized-based diets. The reality is that violations and abuses of the right to food and nutrition are not limited geographically, but manifest in a wide variety of forms across the world. From the refugee camps in Western Sahara and the mountains of Oaxaca, to the rural plains of the Mid-West in the United States and the barrios of Spanish cities, our food sovereignty is still being sabotaged.

Many people underestimate just how globally integrated our food systems are today. So-called developed countries are as much part of the problem as they are part of the solution, and any meaningful progress will depend on a shared analysis and understanding of our global food system and of the meaning of food sovereignty. This starts by acknowledging that the full realization of the right to food and nutrition is incompatible with the current industrial production model, as illustrated by the hundreds of policies that have failed to address this multifold crisis. The rise of right-wing populism and fascism is indeed yet another symptom.

More broadly speaking, nowadays, land grabbing and the corporate capture of agriculture are the two major challenges for social movements. There is an urgent need to find strategies to resist land grabs and assist the guardians of the land and seed (especially the women) to remain on the land, as these two dimensions provide an essential precondition for the realization of food sovereignty. Indeed, this struggle should encompass all natural resources, from forests to rivers and from coastal areas to pastureland. The draft Declaration on the Rights of Peasants and Other People Working in Rural Areas, (currently under negotiation at the UN), is an important step in recognizing that there are many different communities whose livelihood depends on access to and control over natural resources. To give but one example, coastline ecosystems and the many fisherfolk communities that depend on them are particularly vulnerable to climate destruction. Access to clean water is also a major concern, and it is important to vocalize struggles around water resources under the banner of food sovereignty. Furthermore, there is a need to protect the pastoralist corridors that are fundamental to these peoples' lives and livelihoods.

Acknowledgements

Special thanks to Karine Peschard (Graduate Institute of International and Development Studies), Priscilla Claeys (Coventry University and FIAN Belgium) and Alejandra M. del Rey (FIAN International) for their support in writing and reviewing this synthesis, as well as to Nora McKeon (International University College Turin, Rome 3 University and Terra Nuova) for conducting interviews with social movements' representatives.

Photo

Hundreds of delegates the world over gather at the VII International Conference of La Via Campesina (Basque Country, Spain, 2017). Photo by La Via Campesina.

On a positive note, the last decade has seen growing coordination and solidarity among rural constituencies and innovative approaches by young people to foster food sovereignty. Collective identities are strengthening as they begin to stand together to defend peoples' natural resources. After a decade, we can also see more clearly the articulation between the violence against women and the violence against the environment, and between the maintenance of biodiversity and the promotion of agroecology. Some examples of increased unity across struggles include the West African Convergence of Land and Water Struggles and the Global Network for the Right to Food and Nutrition.

Social movements now have new opportunities to create and seize participatory decisionmaking processes around public policies, at national and regional and also at the UN level. They hail the opening up of institutional spaces, such as the Committee for World Food Security, where the right to food can be discussed and promoted. They are also the driving force behind the growing number of progressive legal frameworks and guidelines that can guide peoples' struggles. The development of a normative framework on the right to food at national, regional and international levels, as well as the Guidelines on the Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security are crucial tools for social movements. The increasing recognition of the traditional agro-ecosystems for food production and for the preservation of agrobiodiversity is also identified as an opportunity to advance the struggle. The challenge now is how to implement these tools, and how to translate the opening of institutional spaces into concrete action and towards positive change.

FINDING A WAY OUT

Radical transformations of the dominant socio-political and economic systems, which are under the auspices of capitalism, need to be developed to ensure the appropriation of the commons by and for the people. Social movements must continue organizing at all levels, from the local council to the global community, and across rural and urban areas alike. A major multi-layered mobilization of social movements is required to increase the political awareness of our world and this must be backed by NGOs and academics. We have the urgent task to foster a political understanding of issues that have previously been perceived as unchangeable by the system.

Mechanisms and robust civil society positions must be developed to hold states accountable, using evidence-based advocacy, as this will best counter the increasing influence and power of corporate actors. In our struggles, the right to food and nutrition must be more visibly connected to the other human rights. How can an indigenous community fulfil their right to food and nutrition and self-determination if they have no access to their ancestral territory? How can we achieve a world without hunger if we keep denying the role of women, the pillars of the food system, to bring this about? These clear linkages need more public awareness if we want to fight back deep-rooted injustices.

Within civil society, in order to achieve a better balance and coordination between social movements and NGOs, there is a need to rethink the implementation, conceptualization and advocacy for the realization of human rights throughout the entire spectrum of the actors involved.

Social movements need more resources of their own in order to lessen their dependency on NGOs and to develop more independent analyses, based on their on-the-ground experience. In parallel, academia needs to open its doors to the production of peoples' knowledge, produced on the basis of grassroots experience and the expertise of social movements.

TEN YEARS OF CRISIS, A DECADE OF THE *WATCH*

This leads us to the conclusion that it is essential that platforms exist for the exchange of information on issues related to the right to food and nutrition, with the voices of social movements and marginalized groups at their core. By the same token, gender mainstreaming and balance, as well as equality between North-South, local-international and rural-urban topics, are crucial to more accurately understand today's world. The *Watch* came into fruition as a need to better assess and react to the crisis. In the past ten years, we have aimed to promote solidarity and serve as a voice to encourage the coordination and sharing of strategies across movements and countries. Given the move toward nationalism and isolationism that we are seeing in many countries, this continues to be vital.

In our exchange with social movements regarding the *Watch*, the diversity and critical outlook of our articles have been praised and highly appreciated. It seems promising that the *Watch* has helped raise interest among journalists on new issues, which perhaps were rarely featured before. Publications like ours need to continue to increase efforts and bring to light global food issues. This will ensure that we reach a wider audience, particularly CSOs and institutions working on food security, as well as other grassroots organizations. This brings us closer to another challenge: how can we better raise awareness about social movements' struggles and achievements in other sectors of society, whilst serving as a tool for their struggles, if the language becomes too technical? This one question leads to others: how do we turn the *Watch* into a space for the co-production of knowledge? Should it include non-aligned voices? Should it leave the realm of the written press to explore other forms of communication? These are all challenging and necessary questions that require further discussion.

The fact that current challenges are experienced on a global scale offers unique opportunities for wide-scale mobilization. In this respect, it is important that publications like the *Watch* continue to focus not only on malpractices and violations, but that they also highlight positive aspects, victories, progresses and changes that go in the right direction.

Successful stories inspire others to mobilize and show that our aspirations can be achieved, even if unthinkable at first. We hope that we may continue to make a useful contribution to the struggle for the realization of the right to food and nutrition and food sovereignty, and to the end of this multifold crisis.

“This publication presents a diversity of analyses and examples of grassroots’ struggles to guarantee the right to food, alleviate hunger and promote dignity around the world, including the African continent. The Watch seeks to be unique in its field; its conceptual analyses could promote academic debates, social movements’ discussions, dialogue with policy makers and eventually transformation.”

Jamesina E. L. King, Commissioner and Chairperson of the Working Group on Economic, Social and Cultural Rights at the African Commission on Human and Peoples’ Rights

“The Watch is a tool for communities. It is a source of water that feeds us with analysis and reflects the struggles from different regions and subregions across the world. It is important to know what is happening in other parts of the world in order to understand the problems, struggles and issues around the right to food and nutrition, and how we can face the realities that directly affect our health and education from our common trenches, against enemies of human rights, and collective and territorial rights of indigenous peoples and social movements.”

Manigüeigdinapi Jorge Stanley Icaza, International Indian Treaty Council (IITC) and Kuna Youth Movement (MJK), Panamá

When the world food crisis exploded in 2007–2008, international prices of all major food commodities reached their highest level in nearly 30 years, pushing the number of people living in hunger to one billion, and compromising the human right to adequate food and nutrition of many more. The ‘crisis’—which many have described as a multifold food, fuel, finance, climate and even a human rights crisis—brought the cracks of an unsustainable, broken food system into view, forcing policy makers to acknowledge its failures. A decade later, the root causes of the crisis persist. Social movements and civil society organizations are therefore keeping up their struggle to transform food systems. This 10th anniversary issue of the *Right to Food and Nutrition Watch* takes stock of the past decade and looks forward at the challenges and opportunities anticipated for the coming period. It aims to contribute to the struggle for the realization of the right to food and nutrition and food sovereignty, and to finding the way out of this multifold ongoing crisis. Read the *Watch*, rise up and join the struggle!

Visit the *Right to Food and Nutrition Watch*:

www.righttofoodandnutrition.org/watch

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