

"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

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." 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, 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

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Photo

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

- 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.mi.org/en/publication/ on-shrinking-space.
- Brecht, Bertolt and Kurt Weill.
 Die Dreigroschenoper. Vienna: Universal-Edition, 1928.
- 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.

- 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 Harriss-White. "Commodification: the essence of our time". Open Democracy UK, April 2, 2012. Available at: www.opendemocracy.net/ourkingdom/ colin-leysbarbara-harriss-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/wpcontent/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 Sovereigntu: 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_ Corporations and the .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-fightgrassroots-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-globalocean-grab-a-primer; Nyéléni. "Oceans
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 (2016): 34–37. Available at: www.rightto
 foodandnutrition.org/%07 privatization-andcorporate-capture-global-fisheriespolicy.
- "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" 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.weltohnehunger.org/articles/the-digitilization-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 "Brazili: 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 neocolonial 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

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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 socalled '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

- 50 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-andforests.
- 51 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.righttofoodand nutrition.org/territorial-food-systems.
- 52 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: west-africa.