



Mandate of the Special Rapporteur on the right to food

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Open Letter to African Heads of State and Governments

Reinvesting in African Agricultures: Grounding efforts in the Right to Food as a condition for sustainable results

While you prepare to gather in Syrte, I salute your decision to discuss, at the 13th session of the Ordinary Assembly of the African Union, issues related to re-investing in agriculture for economic growth and food security. This is a notable indication of the great importance that the African Union and its Members attach to agriculture, food security and related issues.

If the global food crisis has had one positive effect, it is that food and agricultural issues are back again on development agendas. I have assumed my mandate of Special Rapporteur on the right to food just over a year ago. During the course of the past year, I have been able to follow closely the renewed interest in agriculture, and particularly the renewed interest and pledges to reinvest in African agricultures.

On the occasion of the forthcoming Ordinary Assembly, I wish to call on the African Union to continue taking the lead and offer a vision particularly in two key areas: firstly, through the right to food framework, assessing the best opportunities of an African “Green revolution”; and secondly, dealing with large-scale transnational land acquisitions and leases with a human rights based approach.

On the basis of a large number of consultations and studies I have conducted on these issues, I would like to encourage the African Union and its members to:

1. Provide strong vision and guidance on the reinvestment in agriculture. This vision would put emphasis on the need to prioritize the needs of the most vulnerable; the importance of defining our benchmarks not only by the levels of production achieved, but also by the impacts on the right to food of different ways of producing food; the usefulness and need to make decisions about agriculture and food based on participatory mechanisms ; and the need to aim at sustainable agricultural systems resilient to climate change, with scaling up agroecological approaches (ecologically-friendly farming practices and innovations) as a priority;
2. Undertake rigorous comparative assessments of the impact of different agricultural modes of production on the right to food of people living in Africa;
3. Channel adequate support to sustainable farming approaches that benefit the most vulnerable groups and that are resilient to climate change and to the exhaustion of hydrocarbons;

4. Rather than an exclusive focus on the provision of inputs to farmers, prioritize the provision of public goods and support key agricultural public goods such as storage facilities, extension services, means of communication, access to credit and insurance, agricultural research, and the organization of farmers in cooperatives;
5. Locate efforts in reinvesting in agriculture under national strategies for the realization of the right to adequate food. As recommended in the Voluntary Guidelines on national strategies for the realization of the right to adequate food in the context of national food security, adopted within FAO in November 2004, such national strategies should include mapping of the food insecure, adoption of relevant legislation and policies, establishment of mechanisms to ensure accountability, and which are adopted through participatory mechanisms;
6. In the negotiations and implementation of large-scale transnational land acquisitions, consider as a minimum the set of core principles and measures based on human rights that I proposed in order to ensure that these are conducive to sustainable development and comply with human rights, including the right to food, the right to adequate housing and the right to development ;
7. Promote the adoption of a multilateral framework on large-scale land acquisitions or leases, in order to limit the risks of countries competing against each other for the arrival of foreign direct investment by lowering the requirements imposed on foreign investors, and in order to provide increased legal certainty for the investors and protect them from reputational losses.

The rationale for these recommendations is explained in details below.

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1. Realizing a Sustainable African “Green Revolution”: risks and opportunities¹

The reinvestment in agriculture is very welcome. Agriculture had been neglected for too long by international agencies and governments. However, this reinvestment must be thought out seriously. My opinion on this issue partly stems from the multi-stakeholder consultation on the challenges facing the ‘Green Revolution’ in Africa I convened on 15-16 December 2008 with the support of the Ministry of Development Cooperation of the Grand-Duchy of Luxembourg.

There is a risk that, in this period of crisis, the emphasis is solely put on increasing production. However, raising production is not all that matters. There is also an urgent need to focus on the most vulnerable and to search for solutions which are both socially and environmentally sustainable. From the perspective of the right to food, our efforts to reinvest in agriculture and increase food security should be guided by three questions: *who are the ultimate beneficiaries of the reinvestment? Which model of agricultural development is best conducive to this goal? What are the best policies and the most adequate allocation of public spending to implement the adopted vision and model?*

From a right-to-food perspective, investments must benefit **the poorest and most marginalized farmers**, often located in the least favorable environments. All too often, these farmers have been left out of support schemes, partly because of the belief that the larger the farm, the most productive it will be. This has been proven to be a mistake. Small producers contribute to greater food security, particularly in backward areas where locally produced foods avoid the high transport and marketing costs associated with many purchased foods.

The right to food should guide governments’ **choices between different modes of agricultural**

¹ For further information please see: “The Human Right to food and the Challenges facing an African ‘Green Revolution’, Statement of the Special Rapporteur on the right to food, 13 March 2009” at: <http://www2.ohchr.org/english/issues/food/index.htm> and <http://www.srfood.org/index.php/en/areas-of-work/agrifood-paradigms>.

production. When taking steps to invest more into agriculture and rural development, governments should be mindful of the need to ensure that investments truly contribute to the right to food. Yet, it is striking that some governments hardly acknowledge in the formulation of their public policies on agriculture that there exist different models of agricultural development such as, on one hand, the ‘Green Revolution’ model (the procurement of subsidized seeds and fertilizers), and on the other hand agro-ecological farming approaches (ecologically-friendly farming systems).

The first Green Revolution – as developed in Latin America after 1943 and as launched in the 1960s in South Asia – was very successful in improving yields. This however sometimes came at a high social and environmental cost, and the productivity gains themselves were not always sustainable in the longer term. I am encouraged that much care is being taken to avoid repeating the mistakes of the first Green revolution. An important indication of this new awareness is the fact that fifty-eight governments, including eighteen African governments, have approved the conclusions reached in April 2008 by the International Assessment of Agricultural Knowledge, Science and Technology for Development (IAASTD). This review notes that ‘Technologies such as high-yielding crop varieties, agrochemicals and mechanization have primarily benefited the better resourced groups in society and transnational corporations, rather than the most vulnerable ones. To ensure that technology supports development and sustainability goals strong policy and institutional arrangements are needed (...)’.

Until very recently less attention was paid to the comparison between Green Revolution concepts and alternative models of agricultural development. Failing to consider the diversity of models that can be supported could lead to missing out important opportunities. As stated by the Windhoek High-level Meeting “African agriculture in the 21st Century: Meeting Challenges, Making a Sustainable Green Revolution” (Namibia, 9-10 February 2009): ‘Governments, in cooperation with the research community and with support from the international donor community, should undertake rigorous comparative assessments of alternative agricultural models and cropping systems’. This should be seen as complementing the 2003 Maputo Declaration target of raising the share of national budgets devoted to agriculture and rural development to at least 10%.

Greater attention should be paid in the future to public policies which may significantly increase yields, thus increasing the incomes of farmers, while promoting sustainable agriculture practices and innovations. In Tanzania, the western provinces of Shinyanga and Tabora, were used to be named “The Desert of Tanzania”. Yet, starting in the late 1980s, the use of agroforestry techniques and participatory processes allowed some 350,000 hectares of land to be rehabilitated. The agroforestry system (Ngitili) led to an increase in incomes of USD500 to each household every year. The increased use of trees in agroforestry schemes thus improved farmers’ access to food and the resilience of farming systems, especially important in the context of climate change. In Malawi, in 2005, some 100,000 smallholders benefitted to some degree from the use of fertilizer trees. Where maize is intercropped with a nitrogen-fixing tree, an average 3.7 tonnes a hectare can be produced – compared to just 1.1 tonne on plots without such trees; yields could further reach 5 tonnes with small additions of mineral fertilizer. In Benin, the Songai Center organizes training, production, research and development of sustainable agricultural practices. It aims at hybridization of traditional and modern agricultural practices, with a strong focus on organic farming principles. With more than 4,000 visitors each year, it shows that sustainable agriculture and traditional knowledge can be a success factors for development, and that they are fully compatible sustained economic development. Creativity and innovation are strong components of the success. Elsewhere, scientists work with farmers in participatory plant breeding schemes, putting the beneficiaries of research efforts on the driver’s seat in order to achieve sustained results. It is now time to make efforts to scale up such processes which are participatory and lead to the adoption of sustainable models of agriculture.

Similar examples exist for the many other types of sustainable agricultural practices that are commonly referred to as agroecological farming approaches. The UNEP², the FAO and UNCTAD as

² UNEP, *The Environmental Food Crisis. The Environment’s Role in Averting Future Food Crises*, February 2009.

well as other agencies³ have all recently published reports that demonstrate how these models should and could be scaled up. In many cases, they are less costly and more sustainable, less risky and more productive than fertilizers. Moreover, the relationships between these agroecological approaches and the human right to food have been established. First, these sustainable farming approaches are adapted to the complex environments where some of the most vulnerable groups live. Secondly, the processes that lead to them are often participatory involving the affected vulnerable groups in order to guarantee sustainable results, a strategy consistent with a rights-based approach. Third, these techniques improve the resilience of farming systems to climate change and to peak oil – two phenomena which will directly impact those who are already most vulnerable today.

Models of agricultural development may be complementary at the crop field level: a very careful combination of fertilizers and agroforestry, for instance, is successfully promoted in some regions. At the level of public policy however, it is a pre-requisite for a balanced approach that the very existence of several models be acknowledged and their potential impacts assessed. In a context of fierce competition for scarce resources such as land, water, investment, human resources, the implications of supporting one model over the others deserve serious consideration. A balance, and complementarity between models, should be sought.

In the **allocation of public spending**, a key issue is the levels of support going to public goods rather than, or in addition to, support going to inputs such as seeds and fertilizers. Recent studies have shown that the provision of public goods received much less attention from many decision-makers than subsidized inputs, although they were sometimes vastly more efficient than of subsidized inputs. Public goods that contribute to agricultural development and are currently under-supplied in many countries include storage facilities, access to means of communication and therefore to regional and local markets, access to credit and insurance against weather-related risks, extension services, agricultural research, and the organization of farmers in cooperatives.

2. Large-scale transnational land investments: respecting rights, avoiding risks, aiming true development⁴

Transnational large-scale land investments are one of new trends that emerged out of the 2008 global food crisis. This development has not yet been properly addressed by the international community. Large-scale land investments can be opportunities for development, given their potential for creating infrastructures and employment, increasing public revenues and improving farmers' access to technologies and credit. Yet they could have negative effects on the right to food as well as other human rights. Potential impacts include: the eviction of land users which have no formal security of tenure over the land they have been cultivating for decades; the loss of access to land for indigenous peoples and pastoral populations; competition for water resources; and decreased food security if local populations are deprived of access to productive resources or if, as a result of this development, a country increases further its dependency on food aid or imports for its national food security.

In June 2009, I have proposed that countries and investors consider as a minimum a set of principles and measures based on human rights in the elaboration of large-scale transnational land acquisitions and leases. These principles and measures are intended to assist both investors and host governments in the negotiation and implementation of large-scale land leases and acquisitions. They are put forward in order to ensure that such investments work for the benefit of the population including the most vulnerable groups in the host country, and are conducive to sustainable development, with the progressive realization of the human right to food as the ultimate horizon. The measures are grounded in principles of international human rights law, including the right to food, the right to self-determination of peoples and the right to development; as well as in international labour legislation.

³ See, e.g., the 2006 annual report of the Nairobi-based World Agroforestry Centre, or the 2008 FAO-UNEP report on Organic Agriculture and Food Security in Africa.

⁴ For further information, please see: "Large-scale land acquisitions and leases: A set of core principles and measures to address the human rights challenge" 11 June 2009 at <http://www2.ohchr.org/english/issues/food/index.htm> and <http://www.srfood.org/images/stories/pdf/otherdocuments/22-srrtflarge-scalelandacquisitions-hrprinciples-9.6.09-2.pdf>

From a human rights perspective, the negotiations leading to investment agreements should be conducted in full transparency and with the participation of the local communities whose access to land and other productive resources may be affected as a result of the arrival of an investor. Any shifts in land use should in principle be made with the free, prior and informed consent of the local communities concerned.

Another crucial issue is the use of investment revenues. Investment contracts should prioritize the development needs of the local population. Arrangements under which the foreign investor provides access to credit and to improved technologies for contract farming, or obtains the possibility to buy at predefined prices a portion of the crops produced may be preferable to long-term leases of land or land purchases.

Consistent with the realization of the right to food, host States and investors should also establish and promote farming systems that are labour intensive – instead of highly-mechanized operations – in order to ensure that investment agreements contribute to reinforcing local livelihood options and provide living wages for the local population, which is a key component of the human right to food. Sustainable agriculture, in particular agro-ecological approaches and low external input farming practices should also be privileged in contract agreements. A safe and productive environment is indeed an element in the realization of the right to food for local communities.

Impact assessments should be conducted prior to the finalization of the contract and later at pre-defined intervals, in order to highlight the consequences of the investment on local employment and incomes; on access to productive resources of the local communities; and on the environment. Investment agreements should also include a clause providing that a certain minimum percentage of the crops produced shall be sold on local markets, with specific conditions set if prices of food commodities on international markets reach certain levels.

I said that I expect these human-rights-based measures to help bring about a consensus on the establishment of a multilateral approach. A multilateral approach could avoid beggar-thy-neighbour policies, with countries competing against each other for the arrival of foreign direct investment and thus lowering the requirements imposed on foreign investors. It could provide increased legal certainty for the investors and shield them from the risk of reputational losses if they comply with the principles.

The human rights framework is thus not only an obligation for states, but an opportunity. While these measures may give the impression of representing additional constraints, they should be seen as true success factors in the short and long term. Land represents not only the main means to access and procure food for millions of smallholders and their families, but it is also an essential element for the identity of certain peoples and communities. If investment agreements work against these aspects, they may backfire. Human rights principles and standards can, once more, guide this emerging trend.

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For more information on the activities of the Special Rapporteur's statement, please visit: www.srfood.org or www2.ohchr.org/english/issues/food/index.htm

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***The right to food: a framework that brings guidance.** The right to adequate food is a human right stated in the Universal Declaration of Human Rights. It is further made explicit by the International Covenant on Economic, Social and Cultural Rights, which protects the right to food as part of the right to an adequate standard of living and guarantees a fundamental right to be free from hunger.*

Under Article 11 of the International Covenant on Economic, Social and Cultural Rights, every State is obliged to ensure for everyone under its jurisdiction access to the minimum essential food which is sufficient, nutritionally adequate and safe, to ensure their freedom from hunger. The obligations of the State are threefold: to respect, protect and fulfil the human right to food. The State is obliged to refrain from infringing on individuals' and groups' ability to feed themselves where such an ability exists (respect), and to prevent others - in particular private actors such as firms - from encroaching on that ability (protect). Finally, the state is called upon to actively strengthen individuals' ability to feed themselves (fulfil). In 2004, the entire FAO membership (191 States) accepted the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, which provide clear guidance on the implementation of the right to food at a national level. At least 20 States in the world today recognize the right to food in their constitutions, including Brazil, India, South Africa, or more recently Ecuador and Bolivia. Many others are making great progress towards the implementation for these guidelines, such as Guatemala or Mozambique.