

Inputs of the Special Rapporteur on the Right to Food, Michael Fakhri
**on elements to be included in the Zero Draft of the Policy Recommendations
on Reducing Inequalities for Food Security and Nutrition**
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INTRODUCTION

I welcome the report produced by High Level Panel of Experts on Food Security and Nutrition on ‘Reducing Inequalities for Food Security and Nutrition’.

The report puts forward a comprehensive analysis on the systemic drivers and root causes of FSN inequities and inequalities and an interesting analytical framework, based on the three pillars of recognition, redistribution, and representation. The report also suggests effective context specific actions and solutions to reduce inequalities and improve FSN across countries and within countries.

The world’s food systems struggle with inequality within countries and between countries. Therefore, action taken must attend to redistributing power and wealth amongst different groups within countries, but also amongst counties. Many food systems are increasingly reliant on relations of domination, exploitation, natural resources privatization and violence, including gender-based violence.

Human rights provide a framework to analyse power dynamics in food systems and enables a way of understanding redistribution based on principles of fairness and justice. Moreover, human rights focuses on people’s agency: this is to say that human rights recognizes the ability of the most affected communities to know what needs to be done and their ability to transform their food systems to become more equitable with appropriate government support. A human rights-based approach also emphasizes accountability. If states, international organizations, agencies and corporations are not held accountable for their policies and actions in food systems, inequality will only worsen.

In my reports to the UN General Assembly and Human Rights Council, and as referenced in the HLPE report, food systems do not only produce food but also produce structural inequality. Structural inequality and systemic cause human rights violations and violence; in turn, systemic violence is significant cause of structural inequality. In fact, violence and conflict are the main drivers of hunger.

Another important aspect to be considered among the drivers of inequality, is the fact that food systems are increasingly made up by relationships of dependency, as opposed to more equitable relationships of reciprocity. Food systems rely on a series of dependency relationships, where one party relies on another party with little bargaining leverage and few options to exit the relationship:

- importing countries depend on global markets for food;
- food-exporting countries depend on global markets for capital;
- workers depend on employers for their livelihood;
- survivors of sexual and gender-based violence sometimes become more economically dependent on aggressors because of the abuse;
- people depend on a shrinking number of food commodities for their nourishment;
- farmers increasingly depend on transnational corporations for their inputs; and
- developing countries depend on international financial institutions and richer countries for capital.

Global food systems are characterized by extractivism, which can be understood as the “non-reciprocal dominance-based relationship” amongst human beings, non-human beings, and the land and water.

Extractivist economies rely on the extraction and export of their natural resources. Extractivist industries include mineral and fossil fuel extraction, as well as mono-cultural large-scale agricultural, forestry and fishery operations.

Many development models rely on extractivism to generate economic growth. The theory is that the ecosystem is a collection of commodities, and ecological destruction is justified by economic growth. The assumption is that exploiting nature is worth it because the ensuing revenue will be shared and will benefit the public at large. The reality is that extractivism leads to human impoverishment especially at the expense of Indigenous peoples, racialized communities, rural communities, small-scale food producers/peasants, food and agriculture workers, and women.

Extraction from nature and exploitation of people, however, are inherently linked since one cannot separate how you treat nature from how you treat people. From a right to food perspective, extractivism generates two problems. First, extractivist projects undermine and destroy traditional and small-scale hunting, fishing, herding, and agriculture along with foraging and gardening practices that enhance biodiversity. Second, more food systems are becoming more lethal because they limit biodiversity – by taking from the land and leaving nothing in return turning the soil barren. Soil depletion makes farmers more dependent on chemical inputs and high-energy processes, generating approximately one-third of the world's greenhouse gases.

Trade law and investment law has enabled extractivist global food systems. Such food systems favour transnational and industrial food production practices and thereby permit the enrichment of corporate actors at the expense of impoverishing rural communities all over the world. Global food systems also extract monetary value from the natural environment for global capital markets, leaving the environment degraded, depleted and destroyed for centuries to come. Finally, global food production and supply chains are extractive because they take more than they give to workers and small-scale food producers by underpaying them and exposing them to precarious and hazardous working conditions.

In sum, relationships of dependency and extraction are based on profound power imbalances and reaffirm structural inequality and create systemic violence. Moreover, inequality has also increased during the COVID-19 pandemic, while the wealth of billionaires and corporate profits have soared to record levels. In the food sector, the wealth of billionaires increased by a billion dollars every two days. In 2021, Cargill, one of the world's largest food traders, made almost \$5 billion in net income, the biggest profit in its 156-year history, with even higher gains expected the year after. This tendency to concentration of power within the food system has become the norm, and deserves space in the policy recommendations.

RECOMMENDATIONS

The policy recommendations should focus on the following:

1. Human rights and accountability

Human rights should not just be a general reference or just particular paragraphs but should inform the substance and structure of the entire policy recommendation. To ensure the policy recommendation are effective and dynamic, there should be an explicit reference to the necessity of developing a legal framework that improves accountability of actors in food systems.

2. Violence and conflict

Violence and armed conflicts as significant drivers of inequality. The CFS can play a unique role within the context of fragmented global governance and ineffective multilateralism. The CFS should not only encourage countries and regions to apply the Framework for Action for Food Security and Nutrition in Protracted Crises, but it can also use the Framework within CFS activities in advancing global policies and recommendations and by also promoting its application within other multilateral settings. The Framework for Action is unique because it focuses on resolving and preventing underlying causes of protracted crises, and the food insecurity and malnutrition they so often cause. It therefore sets the stage for preventing a crisis, recovering from one and restoring food systems. The Framework is more coherent than the humanitarian-development-peace nexus developed in other policy platforms, which remains ambiguous in its treatment of underlying drivers and human rights obligations.

3. International trade and food security

WTO talks around food security and agriculture having been deadlocked for decades. Based on my meetings with the Director-General of the FAO and Deputy Director General of the WTO, we are all in agreement that the deadlock is the result of the fact that there is no global consensus over what counts as a good subsidy versus a bad subsidy. UNCTAD has proposed that the right to food be at the heart of the new consensus. As such, the CFS should be a space to have constructive discussions around trade and food security and develop a new global consensus around what principles should trade policy and food security. I have outlined how such a conversation should build on right to food principles – such as solidarity, reciprocity, and self-sufficiency – in my reports to the UN General Assembly and Human Rights Council.

4. Power concentration within the food system

Corporations enjoy a profound degree of power but are not held accountable for the harm they cause to human health and to the environment. For example, the “ABCD” of grain-trading giants – Archer-Daniels Midland, Bunge, Cargill and the Louis Dreyfus Company – account for between 70 and 90 per cent of global grain trade. Four agrochemical companies control 60 per cent of the global seed market and 75 per cent of the global pesticides market. This high concentration of corporate power allows a relatively small group of people to shape markets and innovation in a way that serves the ultimate goal of shareholder profit maximization and not the public good. Such market concentration means that a small number of companies will unfairly control the price of seeds. Any increase in seed prices will increase the cost of farming, making it harder for farmers to turn a profit. A higher input cost makes it harder for small farmers to access seeds. Civil society has been gravely concerned at the fact that corporations also use their power to gain more influence in global governance, making even more difficult to set fair rules.

Growing corporate power and harm in food systems makes current treaty negotiations at the Human Rights Council open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights an important aspect of food security. Some countries are pushing for an approach that relies on human rights due diligence. Such an approach, however, puts the burden of meeting human rights obligations on persons; human rights due diligence requirements will not meet the obligation of States to protect and fulfil human rights and they would not effectively hold corporations accountable. To stabilize food systems and ensure transnational justice, States should adopt a legally binding treaty that effectively curtails corporate power and levels the playing field in the world’s food systems.

5. Fair and equitable access to natural resources, especially seeds and land

Since humankind relies on plants for food, feed, fibre and a functional ecosystem, nothing less than the right to life is at stake farmers' seed systems are challenged or poorly supported. They are integral to the world's genetic and cultural diversity and are foundational for all food systems. A seeds system built around farmers' and Indigenous peoples' rights to freely save, use, exchange and sell saved seeds, everyone benefits. Farmers' and Indigenous seed systems make food systems more resilient against climate change, pests and pathogens.

People's fate is also significantly determined by their ability to access, control and steward land. Youth have the most at stake in and the greatest difficulty accessing land, considering the devastating effects of climate change and increasing rates of occupation, dispossession and violence against land defenders. Access to land and secure tenure rights are essential for the enjoyment of the right to food. How people, communities and others gain access to land, fisheries and forests is regulated by societies through systems of tenure. These written or unwritten tenure systems determine who can use which resources, for how long and under which conditions. Tenure systems increasingly face stress as climate change reduces the availability of land and as investors and corporations continue acquiring large scales of land (i.e. land grabbing). Inadequate and insecure tenure rights increase vulnerability, hunger and poverty. They also lead to conflict and environmental degradation when competing users fight for control of these resources. Limiting people's access to land or an unjust tenure system makes certain groups – such as women, migrants, people with disabilities, older persons and indigenous peoples – more vulnerable to the effects of climate change. In 2012, through the Committee on World Food Security, States and stakeholders negotiated the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests. The Guidelines enjoy resounding support by both civil society and businesses and marked a significant step in grounding the governance of land, fisheries, forests and their associated natural resources in human rights. In addition, indigenous peoples' right to land is affirmed in the United Nations Declaration on the Rights of Indigenous Peoples. Similarly, the right of peasants and other working peoples to land is enshrined in United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. The recommendations should refer to this existing framework, encouraging to implement the Guidelines and respect, protect and fulfil people's right to land.

6. Labour rights and value extraction

Workers, especially migrant workers, racialized people and women, are often in the most precarious position in food systems. One of the most powerful tools to tackle inequality is ensuring people's right to unionize is protected and supported. Some of the key issues faced by workers in the food industry, throughout the global food system include the following –

Poor wages: although smallholder farmers households worldwide produce most of the food consumed, many live in poverty, because of the low prices for their produce and because they receive only a fraction of the final product's value (see for example coffee, tea, cacao, tobacco farmers).

Precarious Work: Many farm and packing facility workers experience insecure work conditions and are exposed to exploitation, blackmail, violence, and sexual harassment in the workplace. These workers, particularly migrant workers, are often denied basic rights and protections, being exposed to harmful pesticides.

Forced labour: despite international conventions against forced labour and other abuses, these efforts are often hindered by corporate influence. Child labour, which is concentrated in the agricultural sector, accounts for 70 per cent of the global total and further increased during the pandemic. The violation of children's rights stems from the fact that families are so poor that they are forced to put their children to work.

The ongoing armed conflicts, economic crises and natural climatic changes, continue to put the lives of millions at risk, with acute food insecurity worsening in in the latest years. The recommendations should reward this aspect and be compliant with the ILO conventions standards.

7. Territorial markets

The supply chain disruptions brought by the COVID 19 pandemic, and the Russian aggression of Ukraine showed how brittle international markets are. Supply chain experts have known for years that the current system is not sustainable. Research has found that international trade in food accounts for nearly 20 per cent of total food system emissions. Global commodity markets are significantly disrupted by the Chicago Mercantile Exchange because the Commodity Futures Modernization Act of the United States allows for speculators to bet on food price trends without actually trading in commodities themselves.

Most local markets in the world are supplied by small-scale food producers (or smallholders). As is widely recognized, smallholders play an essential role in ensuring food security and nutrition today. Smallholders produce approximately 70 per cent of the world's food and yet they face hunger, malnutrition and right to food violations. Part of the problem is that smallholders find it relatively difficult to access and benefit from local, national and regional markets because of barriers to finance, infrastructure and appropriate technology. The 2016 Committee on World Food Security policy recommendations on connecting smallholders to markets were a ground-breaking first step to better understand and develop the role of markets in food systems in a way that focused on people and not economic growth. Through the Civil Society and Indigenous Peoples' Mechanism, civil society and Indigenous peoples further refined some of the concepts from the policy recommendations and introduced the notion of "territorial markets" to capture a deeper understanding of local, national and regional markets. Thinking of the world in terms of territorial markets gives a clearer understanding of how most people actually buy, sell and share their food. The term "territorial" market allows people to overcome the limitations of thinking only in terms of global versus local. Territorial markets can be local, national or transboundary. They can also be rural, peri-urban, or urban. The recommendations should build on this already approved CFS document, encouraging a fresh eye on the issue of trade based on the right to food.

8. Agroecology and its potential to enhance social equity

The world's food systems have been increasingly designed along industrial models, the idea being that, if people are able to purchase industrial inputs – synthetic fertilizers, pesticides and carbon-reliant machines – then they can produce a large amount of food. Productivity was not measured in terms of human and environmental health, but exclusively in terms of commodity output and economic growth. The productivity paradigm that has accompanied the Green Revolution has created food systems that disrupted carbon, nitrogen and phosphorous cycles because it requires farmers to depend on fossil fuel- based machines and chemical inputs, displacing long-standing regenerative and integrated farming practices. Industrial intensification was an extractive practice that unsettled the foundations of all ecosystems, leading to increased global rates of soil degradation and erosion and biodiversity loss.

As an agricultural practice, agroecology is labour intensive and encompasses a range of production techniques derived from local experience and expertise that draw on immediately available resources. Thus, it also relies heavily on experiential knowledge, more commonly described as traditional knowledge. As a social movement, producer-based agroecology acts as an important driver for strengthening social cohesion through the gradual reduction of social inequalities, the promotion of local governance, sovereignty and the empowerment of local communities. Studies continue to

confirm that agroecological production can meet the global community's dietary needs and that on-farm biodiversity can lead to dietary diversity at the farm level and beyond. In fact, recent reports of the Intergovernmental Panel on Climate Change have endorsed agroecology combined with food sovereignty as a viable way to adapt to climate change. This continues the trend of landmark reports such as the International Assessment of Agricultural Knowledge, Science and Technology for Development in 2008 and the Assessment Report on Land Degradation and Restoration by the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services in 2018.

The recommendations should leverage on agroecology as a framework to guide food systems towards sustainability, equity and social justice.

9. Gender dimension and intersectionality

Women and girls face the highest degree of discrimination in food systems, and this is the basis of the Voluntary Guidelines the CFS 51 has approved. But to be able to truly empower women and girls, the category of "women" is too general. An intersectional analysis allows to understand how different women in different contexts face particular forms of discrimination and inequality. An intersectional analysis allows to understand the particular challenges and needs. The needs of a peasant woman in Palestine facing decades of occupation fighting to protect her homeland compared to the particular challenges and needs of an Indigenous woman from Mexico who has migrated to the US and is working on a farm. Without an intersectional analysis that takes into account the particular way that things like racial dynamics, colonialism, and citizenship operate in each context, it is hard to determine what particular challenges each woman faces, and what they need to be empowered.

The reason an intersectional analysis so important for the right to food and human rights is because it focuses on power dynamics and the implications for those most marginalized in a group. Most importantly, an intersectional analysis is very context specific. So in some contexts a woman who is Black might experience serious discrimination, and in another context that same Black woman might have certain privileges. Different countries – with their different cultures, religions, and social contexts – have their own context. And an intersectional analysis respects each country's particular context.