Contribution in advance of the 36th session of the Committee on World Food Security (CFS) by

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The 36th session as ‘Year 1’ of the reformed CFS: proposals for steps towards enhanced governance on food security

The UN Special Rapporteur on the right to food contributed to the process that led to the reform of the Committee on World Food Security (CFS) in October 2009, as a member of the Contact Group. He is now a member of the CFS Advisory Group. CFS Member States have the opportunity to use this session as a ‘Year 1’ of the reform, not as a ‘Year 0’, and to confirm the position of the CFS as the foremost inclusive international and intergovernmental platform dealing with food security and nutrition issues, equipped to bring policy convergence at the global level on these issues.

In the present note, the Special Rapporteur makes proposals as to how the 36th session of the CFS could lead to concrete results, demonstrating the added value of improved governance on global food security. With regard to decisions presented for the CFS’s consideration in background papers for the three policy roundtables, the Special Rapporteur underlines the value and importance of (a) integrating a “right to food” perspective; (b) ensuring coherence between the Principles on Responsible Agricultural Investment and the Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources; (c) giving specific attention to the critical problem of instability of price on food commodity markets for global food security; and (d) ensuring a transparent and inclusive decision-making process, including through facilitating the involvement of civil society partners.

Despite the short preparation time between the reform and this first session, the CFS Bureau has made remarkable efforts to implement the reform, including preparing this session, establishing a budget and work programme, putting in place a High Level Panel of Experts, and holding a constant open line with its Advisory Group. Some of the topics that are on the agenda of the 36th session, including land investments and managing vulnerability are incontrovertible questions for the progressive realisation of the right to food for all. It is thus welcome that they will be addressed at this session. However, because these are quite sensitive issues, the capacity of the CFS to act upon those decisions will be a litmus test for the CFS Reform. In what follows, the Special Rapporteur offers his views on the topics that will be addressed at the three policy roundtables that will be convened at the CFS session.

Policy roundtable A: “Addressing food insecurity in protracted crises”

The Special Rapporteur supports the recommendations proposed in the background document for the policy roundtable which will be addressing this topic. He shares the conviction of others that Official Development Assistance (ODA) to countries in protracted crisis remains exceptionally low; that the reconciliation of humanitarian and development approaches is a pressing challenge for which innovative ways to tackle possible trade-offs exist; and that ‘too often consideration of livelihood adaptation, [although] vital to long term food security, is hardly considered by external assistance, particularly in their long-term dimensions’.

The Special Rapporteur also agrees on the importance of restoring local markets, of encouraging conservation agriculture and urban gardening, of strengthening local institutions and safety nets, and of promoting participative extension approaches such as farmer field schools. In his own contributions on these topics, he explained how such initiatives could support the realization of the right to food, although a number of obstacles remain to their implementation in practice, including a lack of understanding of what such approaches have
to offer (see in particular Contribution of Mr. Olivier De Schutter, Special Rapporteur on the right to food, to the 17th session of the UN Commission on Sustainable Development (CSD-17): The right to food and a sustainable global food system, 4-15 May 2009). He also made detailed recommendations on the reform of the Food Aid Convention, in order to ensure that this instrument will become more needs-based and better combine short-term assistance with longer-term development needs (see the report presented to the tenth session of the Human Rights Council: A/HRC/10/5).

The Special Rapporteur notes that the livelihoods approach used both in the background paper and in the proposed recommendation B (page 8) could be complemented by a rights-based approach. The recommendation is that actors involved in crisis situations: “Support the protection, promotion and rebuilding of livelihoods, and the institutions that support and enable livelihoods, in countries in protracted crisis”. A rights-based approach to the role of institutions would imply that whichever institutions that are put in place shall have to be held accountable; shall have to develop mechanisms to ensure the participation of those affected in the design and implementation of the policies they implement; and shall have to work under the principles of non-discrimination and transparency. Such a human rights approach is not a luxury in situations of crisis. Indeed, it is especially important in such situations that individuals and families that are food insecure are supported in ways that respect their dignity and avoid developing a relationship of dependency in which needs are met with charity: a clear definition of the obligations of the institutions that are to provide support to livelihoods, ensuring that such institutions will be accountable to those whom they seek to assist, thus making those benefiting from such support into rights-holders, may contribute to this. In addition, reference should be made to the adoption of national strategies for the full realization of the right to food, as this is the most effective way to ensure accountability of governments towards fulfilling objectives that require a sustained effort over a number of years.

**Recommendation:** Consistent with such a rights-based approach, the CFS could recommend that ‘addressing food security in protracted crisis countries should include the protection and promotion of the right to adequate food (or: should take the full realisation of the right to food as a guiding principle) and the rebuilding of livelihoods, as well as the establishment of institutions that support the full realisation of the right to food.’

In this regard, a reference should be made to the obligation for countries to move towards the full realization of the right to adequate food by adopting national strategies developed in participatory fashion and including precise timeframes for the adoption of the measures required to remove the obstacles to the enjoyment of the right to food, as stated in Guideline 3 of the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security, and as recommended by the General Comment No. 12 adopted in 1999 by the U.N. Committee on Economic, Social and Cultural Rights.
Policy roundtable B: “Land tenure and international investment in agriculture”

The CFS is asked to consider endorsing the on-going processes of development of the ‘Principles for responsible agricultural investments’ (RAI) and the Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources. Indeed, both are important initiatives, and both seek to respond to real and even urgent needs: pressure on land and natural resources is rapidly increasing, as the Special Rapporteur notes in his report to the 65th session of the General Assembly.

The Special Rapporteur also agrees that it is important to build coherence between both the RAI principles and the Voluntary Guidelines (the processes and the final documents). In this respect however, the Special Rapporteur notes that it would be awkward for the CFS to endorse the principles on Responsible agricultural investment at least a year before the Voluntary Guidelines could be endorsed, particularly as it is difficult to anticipate the outcome of the process of adoption of the Guidelines. In the view of the Special Rapporteur, the principles on RAI and the Voluntary Guidelines should be complementary; the principles on RAI are only one part of a larger attempt to improve the responsible governance of land tenure and other natural resources, the Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources defining the larger framework; and the principles on RAI and the Guidelines should therefore not be looked at separately from one another. This is especially important since, when considering a proposed investment in agriculture implying large-scale shifts in land use, the opportunity costs involved must be considered: as the Special Rapporteur repeatedly noted, where land is underutilized or considered vacant, the question whether it should be redistributed to allow small independent farmers to use it or whether it should be developed into a large estate comes first, before the question arises of whether a large-scale investment complies with a set of principles.

If this understanding is shared by CFS members, the logical conclusion is that the CFS should at this stage simply take note of the principles on RAI, perhaps adding that it is encouraged by the signal their presentation sends to investors and host States about the need to ensure that large-scale land investments respect rights and benefit the livelihoods of local populations; a position could be adopted on both documents in 2011, at the 37th session of the CFS.

This approach would be consistent with at the Final Declaration of the 2006 International Conference on Agrarian Reform and Rural Development (ICARRD), in which governments recommended the adoption by the CFS of a set of reporting guidelines in order to monitor the implementation of the ICARRD Declaration (ICARD Final Declaration, ICARRD 2006/3, Art. 30), and encouraged countries to hold a national and inclusive dialogue to ensure significant progress on agrarian reform and rural development and the establishment of appropriate agrarian reform ‘mainly in areas with strong social disparities, poverty and food insecurity, as a means to broaden sustainable access to and control over land and related resources’ (Art. 29).

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

In the view of the Special Rapporteur, it would therefore be appropriate to set up a CFS working group that would foster coherence between the Principles on RAI and the Voluntary Guidelines in 2011 in the context of the mandate given to the CFS in its second phase of
work. The establishment of such a working group would allow a discussion to take place on various proposals that could significantly improve the Principles on RAI and their consistency with other international commitments and the human right to adequate food. Among such proposals, in line with the Concept note for the Policy Round Table on Land tenure and international investment in Agriculture, 19 July 2010, the Special Rapporteur would include: (1) a reference to the fact that the benefits of large-scale investments can often be achieved — and work for the benefit of both the investor and the producer — through business models other than large-scale land acquisition such as contract farming (see A/HRC/13/33/Add.2), which are based on existing farming systems and may better protect the rights of affected communities; and (2) a reference to the principle of the Free, Prior and Informed Consent.

Recommendation: In the view of the Special Rapporteur, the CFS could consider at this stage:

1. **Taking note of, and supporting** both processes; acknowledging that both are still in a development stage and could be influenced by each other, as stated in the background document; **acknowledging the need to ensure coherence between the Principles on Responsible Agricultural Investment and the Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources (the processes and the final documents); and urging the international organizations involved in both process to ensure transparent processes inclusive of all CFS stakeholders.**

2. **Announcing that** the CFS will adopt a comprehensive position on both documents at its 37th session in 2011; and **setting up** a CFS working group that would foster coherence between the RAI and the Voluntary Guidelines on Responsible Governance of Tenure of Land and Other Natural Resources in 2011 in the context of the mandate given to the CFS in its second phase of work.

3. **Acknowledging** the risks posed by large scale land investments, as they are very well presented in the background paper as well as by the World Bank report ‘Rising global interest in farmland’ issued on 7 September 2010;

4. **Noting** that while the Principles on Responsible Agricultural Investment are voluntary, they are grounded in the obligations of States under international law, and seek to provide practical guidance as to how these obligations can be discharged in the context of large-scale land acquisitions.

Policy roundtable C: “**Managing vulnerability and risk to promote better food security and nutrition**”

The policy roundtable dealing with vulnerability and risk should include discussions on four elements that are directly linked to vulnerability and price volatility: (1) the role of international cooperation in the establishment and management of food reserves at the national, regional and international level; (2) the role of international cooperation in the regulation of financial speculation on the futures markets of agricultural commodities; (3) the role if international cooperation in the establishment and management of safety nets; and (4) the linkage between food security and climate policies, which are currently disconnected policy agendas.

As regards the relationship between food security and climate change, the Special Rapporteur reiterates his proposal to commission the HLPE to review the evidence on the best use of public spending in agriculture and food security. Indeed, while the global food price crisis of 2008 has triggered a reinvestment in agriculture in many developing countries,
the benefits of various types of public investment remain underexplored and often misunderstood as regards their impacts on the situation of those most vulnerable to food insecurity. The HLPE could review the impacts of different types of spending such as investment in public goods (storage facilities, agricultural research, extension services, infrastructures, …), the subsidization of agricultural inputs, or agrarian reform schemes (both by ensuring a more equitable access to land and by supporting farmers benefiting from agrarian reform).

The impacts of speculation on the volatility of prices on the commodities markets is an issue of concern to all those involved in this sector. The extraordinary intersessional meetings of the Intergovernmental Groups (IGG) on Grains and Rice held on 24 September 2010 acknowledged that ‘speculative behaviour rather than global markets fundamentals [has] been amongst the main factors behind the recent escalation of world prices and the prevailing high price instability’. This acknowledgement at the highest level was much needed, as the debate over the role of speculation in the 2008 global food crisis, and the subsequent controversy on the needed re-regulation of these markets has run for too long. The background document of this roundtable notes the problems resulting from the volatility of prices on food commodity markets as well as the major impacts that climate change will have on global food security, particularly in countries that already face food insecurity on major parts of their territory. The Special Rapporteur agrees. He recently proposed an analysis of the impact of speculation on the agricultural commodities markets, and a review of the remedies that could be envisaged (‘Food Commodities Speculation and Food Price Crises. Regulation to reduce the risks of price volatility’, Briefing note by the Special Rapporteur on the right to food, September 2010); building on the report by the Special Rapporteur on the right to food, ‘Crisis into opportunity: reinforcing multilateralism’ (A/HRC/12/31) presented to the Human Rights Council in September 2009.

At the IGG joint meeting, high expectations were expressed about the role the CFS could play in dealing with the issue of price volatility. The IGG Groups agreed that “additional work is needed in the following three areas: a) analyses of alternative approaches to mitigating food price volatility, with a view to support policy decision-making; b) new mechanisms to enhance transparency and manage the risks associated with new sources of market volatility; c) exploring ways of strengthening FAO’s partnerships with other relevant Organizations working on these issues”. Many parties also agreed that improved governance requires alternative approaches such as food reserves, insurance mechanisms, and re-regulation of commodity markets.

In the view of the Special Rapporteur, the proposals currently on the table for the 36th session of the CFS remain too modest in comparison to the urgency of the issues considered. As the main proposal presented for the consideration of the CFS at its 36th session is to commission the HLPE to work on these issues and to establish a CFS working group (WG), it would be important for the CFS to more clearly indicate the specific issues to be addressed by the HLCP and the WG. The background document of this roundtable makes it clear that several issues need further research and consensus for future international cooperation. However, while the document gives clear recommendations for risk management ‘in the field’ – building resilient agricultural systems – and for social protection and safety nets, it is almost silent on the remedies to reducing volatility on commodity markets, and it is ambiguous on measures such as strengthening food reserves at national, regional and international level. The CFS should thus specifically ask the HLPE to work on these topics and make concrete proposals that the CFS could consider at its next session.

Specifically, based on his work in this area, Special Rapporteur underlines the importance of: (1) undertaking a comprehensive reform of all derivatives trading; (2) restricting access to commodities futures markets; (3) improving the transparency of spot markets and mutual information about stocks; (4) strengthening physical grain reserves for the purpose of countering extreme fluctuations in food prices; and (5) ensuring that emergency needs can be met at conditions that are less dependent on the fluctuation of market prices. A strong statement on the need to make progress in these directions would contribute to an international discussion that is developing, following initiatives in the United States and in the European Union, and of France as president of the G20.

**Recommendation:** In the view of the Special Rapporteur, the CFS could:

1. **Acknowledge** the critical problem of instability of price on food commodity markets for global food security; the efforts of some of its Members to improve the regulation of speculation on such markets undertaken in 2010; **and encourage** other countries and regional groups to implement comparable reforms;
2. **Commit to** address this issue at the 37th CFS session;
3. **Commission** the newly constituted HLPE to make proposals on the two broad topics suggested in the ‘decision box’ of the background document, **and further clarify** the task assigned to the HLPE by requesting that it addresses: (1) the issue of the impacts of speculation on the derivatives markets for agricultural commodities and how speculation could be regulated; (2) the role of strategic reserves at national, regional and international level; financing facilities; and insurance mechanisms; and (3) the possible role of a global reinsurance mechanism, as proposed by the Special Rapporteur, to encourage States to establish strong social protection schemes by being protected from the economic shocks linked to price volatility (see A/HRC/12/31, para. 32).

Finally, the Special Rapporteur expresses the hope that, in the future, appropriate funding will be secured to facilitate the participation of the civil society in order to enable the CSO mechanism to work in the spirit of the reform. The participation of vulnerable groups in the design of the policies that affect their food security is a core principle of a rights-based approach, which has been endorsed by the CFS reform (CFS:2009/2 Rev.2). This issue has received inadequate attention for the preparation of this 36th session. The result has been, regrettably, that the civil society has had to devote its attention to collect funding to ensure participation in preparatory CFS meetings as well as in the session.

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**Olivier De Schutter** was appointed the UN Special Rapporteur on the right to food in March 2008 by the United Nations Human Rights Council. He is independent from any government or organization, and he reports to the Human Rights Council and to the UN General Assembly. For more on the work of the Special Rapporteur on the right to food, visit [www.srfood.org](http://www.srfood.org) or [www2.ohchr.org/english/issues/food/index.htm](http://www2.ohchr.org/english/issues/food/index.htm)