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New York and Geneva, May 2<sup>nd</sup>, 2008

**BACKGROUND NOTE:**

**ANALYSIS OF THE WORLD FOOD CRISIS BY THE  
U.N. SPECIAL RAPPORTEUR ON THE RIGHT TO FOOD,  
OLIVIER DE SCHUTTER**

The Special Rapporteur on the right to food has been requested by the UN Human Rights Council to ‘examine ways and means of overcoming existing and emerging obstacles to the realization of the right to food’.<sup>1</sup> The Special Rapporteur steps into his mandate in a situation in which the right to adequate food is threatened to be violated on an unprecedented scale. Natural disasters do not constitute violations of human rights, unless the States in a position to assist the victims stand by and do nothing. The disaster which results from the increase of international prices of food commodities is of a different kind. It is a man-made disaster. The causes are identifiable. Both immediate and medium-term solutions can be agreed upon. This imposes on all States an obligation to act, and to act without delay. It is estimated that over 100 million more people will be food insecure, as a result of the current crisis on the international commodities market. These individuals should be given the same degree of attention as if they were arbitrarily detained by an authoritarian government, or if they were beaten by the police. **The Special Rapporteur calls upon the Human Rights Council to convene in a special session, in order to explore the steps which should be taken to respond the current situation, consistent with the right to adequate food.**

The Human Rights Council has been set up by the United Nations General Assembly in order to ‘contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies’.<sup>2</sup> In its mandate, economic, social and cultural rights, should be treated on an equal footing with civil and political rights, consistent with the indivisibility and interdependency of all human rights. **As the new Special Rapporteur on the right to food inaugurates his mandate, the right to adequate food is threatened to be violated on an unprecedented scale by the combination of a series of actions, by uncoordinated actors. None of these actors seeks to violate the right to adequate food. But none should be allowed to ignore the impact of its conduct on the right to food. The Human Rights Council should, as a matter of urgency, identify the solutions which a full respect for the right to adequate food calls for.** The Human Rights Council has been established as a standing body in order to be in a position to respond to emergencies. This is one, and it should not remain silent.

This background note details why the Human Rights Council should have a reaction commensurate with the seriousness of the threat to the right to adequate food which the current crisis represents. It then identifies what consequences follow, in the current context, from the recognition of the right to adequate food as an internationally recognized human right, both at the international (1.1.) and at the national levels (1.2.). It then turns to the current crisis (2.), highlighting its impacts (2.1.), its main causes (2.2.), and the policy responses we have seen so far to the crisis (2.3.). It ends with a brief conclusion (3.).

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<sup>1</sup> See Human Rights Council resolution 6/2, 27 September 2007, para. 2 (b).

<sup>2</sup> See General Assembly Resolution 60/251, para. 5 (f).

## **1. The contribution of the Human Rights Council**

The special session of the Human Rights Council should be convened in order to assist States in understanding their obligations under the internationally recognized human right to adequate food, a reference which, to the regret of the Special Rapporteur, has been notably absent in the current debates. In advance of the special session, the President of the Council could request from the Special Rapporteur that, in a special report to the Council, he identify the implications of the right to adequate food in the current crisis, and make recommendations about the urgent actions which could be taken in order to ensure a better implementation of the right to food. In addition, the Food and Agriculture Organization (FAO) and from the World Food Programme (WFP) could be invited to offer their diagnosis of the situation. The Human Rights Council could thus offer an important and unique contribution to the current international discussion about which answers the international community could provide to the crisis, in advance of the High-Level Conference on World Food Security: the Challenges of Climate Change and Bioenergy, convened by the FAO in Rome on 3-5 June 2008.

The Special Rapporteur does not wish to anticipate, in this background paper, on the precise contribution the Human Rights Council could make to the current discussions. This will be a matter for the Human Rights Council to decide, on the basis of the contributions of its Members, of the Special Rapporteur, and of other stakeholders. It is the firm belief of the Special Rapporteur, however, that the current crisis must be related to the human rights obligations of States, and that it is the responsibility of the Human Rights Council to restate these obligations, and to draw the consequences thereof. As this background note will show, the reactions of the States to the crisis have been uncoordinated, leading States to undercut one another's efforts in coping with the soaring food prices ; and the human right to adequate food has been entirely absent from the current international discussions. The Human Rights Council should replace the human right to adequate food at the centre of these discussions. And it should send two clear messages to the international community : one about the need for intensified international cooperation in order to address the crisis, and in order to ensure that it is not perpetuated or repeated ; and another about the need for States to monitor the situation of the right to food under their jurisdiction, and to implement national strategies which will protect, now and in the future, their populations from the volatility of the prices of food on the international markets. Both messages follow from the right to adequate food as recognized under international law and highlight the importance of acknowledging obligations and focusing on accountability, participation and inequality.

### **1.1. The obligation of international cooperation**

Pursuant to Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, States parties recognized 'the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions'. Pursuant to Article 11.2 they recognized that more immediate and urgent steps may be needed to ensure 'the fundamental right to freedom from hunger and malnutrition'. Whether or not they have agreed to have their conduct monitored by ratifying the International Covenant on Economic, Social and Cultural Rights, all the member States of the United Nations are bound to respect the right to adequate food, as stipulated under Article 25 of the Universal Declaration of Human Rights, since they have pledged to 'take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55' of the UN Charter, which imposes on the United Nations a duty to promote 'universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion'.<sup>3</sup>

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<sup>3</sup> See UN General Assembly Resolution 60/251, Human Rights Council (A/RES/60/251), 5th preambular paragraph. By referring to the Charter of the United Nations and the Universal Declaration of Human Rights among the sources of international law which are at the basis of the Universal Periodic Review, the Human Rights Council has rightly confirmed the human rights obligations which result from these instruments (see resolution 5/1, 'Institution-building of the United Nations Human Rights Council', appendix).

The realization of the right to food, like other human rights, requires that States pursue international cooperation. Indeed, the Covenant is most explicit in this regard concerning the right to food, since it contains a commitment by States, ‘taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need’ (Article 11.2 (b)). The International Covenant on Economic, Social and Cultural Rights clearly requires that States cooperate in the identification and elimination of the obstacles to the full realization of the right to food. This is also the clear implication of Article 56 of the Charter of the United Nations, as reaffirmed in paragraph 34 of the Vienna Declaration and Programme of Action adopted at the Vienna World Conference on Human Rights of 14-25 June 1993.<sup>4</sup> Under general public international law, States may not disregard the impact of activities under their jurisdiction on other States’ territories.<sup>5</sup> All States must respect the human rights of their own population. But they also should avoid violating human rights in other countries. Consistent with this requirement, the Committee on Economic, Social and Cultural Rights has noted that, in view of their commitment under Article 56 of the Charter of the United Nations to take joint and separate action to achieve the full realization of the right to adequate food, ‘States parties [to the Covenant] should take steps to respect the enjoyment of the right to food in other countries, to protect that right, to facilitate access to food and to provide the necessary aid when required. States parties should, in international agreements whenever relevant, ensure that the right to adequate food is given due attention and consider the development of further international legal instruments to that end’.<sup>6</sup>

While the duty of international assistance and cooperation, understood as a shared responsibility of all States to help each other fulfill the rights of the Covenant, may take the form of transfers of resources, the extraterritorial obligations of States should not be seen as limited to this dimension. Although it does not provide a catalogue of measures which might constitute ‘international assistance and cooperation’ as required by the Covenant, Article 23 of the Covenant at a minimum excludes such a restrictive interpretation, where it states that ‘international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned’.

Two important points emerge from what precedes, which may assist the international community in understanding its obligations under the current crisis. First, **any policy which has been proven to impact negatively upon the right to adequate food, or upon the right of every individual to be free from hunger and malnutrition, constitutes a violation of these rights, and must be suspended immediately or, at a minimum, urgently reviewed.** It does not matter whether such impacts are documented within the State which is the author of the measure, or whether such impacts occur outside the national territory of that State, as long as there exists a clear causality link between the policy in question and the enjoyment of the right to adequate food. In addition, it is the considered view of the Special Rapporteur, who shares the analysis of the Committee on Economic, Social and Cultural Rights on this issue,<sup>7</sup> that this implies **an obligation of all States to effectively protect the right to food by regulating the activities of companies at all levels of the system of production and distribution of food**, consistent with the FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security<sup>8</sup> and with the framework proposed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises.<sup>9</sup> The Special Rapporteur refers in

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<sup>4</sup> UN Doc. A/CONF.157/23, 12 July 1993.

<sup>5</sup> *Trail Smelter Case (United States v. Canada)*, 3 R.I.A.A. 1905 (1941) ; International Court of Justice, *Corfu Channel Case*, Judgment of April 9th, 1949, I.C.J. Reports 1949, p. 4, at p. 18.

<sup>6</sup> General Comment No. 12: The right to adequate food (1999), UN doc. E/C.12/1999/5, para. 36.

<sup>7</sup> General Comment No. 12: The right to adequate food (1999), UN doc. E/C.12/1999/5, para. 19 (referring to the failure by States to regulate activities of individuals or groups so as to prevent them from violating the right to food of others as an instance of the violation of the right to food).

<sup>8</sup> See para. 4.3. of the Guidelines.

<sup>9</sup> See A/HRC/8/5 (7 April 2008).

this regard to the request already addressed by the Human Rights Council to private actors ‘to take fully into account the need to promote the effective realization of the right to food for all’.<sup>10</sup>

Second, the obligation imposed on all States under Article 56 of the Charter of the United Nations to take joint and separate action to achieve the full realization of the right to adequate food is not limited to abstaining from the adoption of measures which impact negatively on the right to food. As clearly indicated by the wording of Article 23 of the International Covenant on Economic, Social and Cultural Rights, it may encompass **the adoption of measures, in particular in the form of the provision of assistance to developing States or the negotiation of international agreements.**

The Special Rapporteur concludes that **the current crisis calls for a coordinated reaction from the international community, guided by the obligations of all States under international law to respect the right to adequate food.** Such a coordinated reaction should address not only the short-term impacts of the current crisis, but also the structural causes which lead to soaring food prices, as identified in this note (see hereunder, part 2.2.). While respect for the right to adequate food does not prescribe any specific policy mix in this regard, since which policy mix is most appropriate will depend on the particular circumstances faced by each State, a general obligation of international cooperation is clearly established under international law.

## **1.2. The obligation to have in place, at national level, appropriate legislation, strategies and institutional frameworks**

The current crisis provides a vivid demonstration of the need for States to have in place or develop national strategies for the implementation of the right to adequate food. The Committee on Economic, Social and Cultural Rights, has insisted on the need for States to work towards ‘the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles that define the objectives, and the formulation of policies and corresponding benchmarks’.<sup>11</sup> Such a national strategy should comprise the establishment of appropriate institutional mechanisms, particularly in order to : (i) improve coordination between the different relevant ministries and between the national and sub-national levels of government ; (ii) improve accountability, with a clear allocation of responsibilities, and the setting of precise timeframes for the realization of the dimensions of the right to food which require progressive implementation ; and (iii) ensure the adequate participation, particularly, of the most food-insecure segments of the population. As part of such a national strategy, States should adopt a framework legislation ensuring that the right to food is justiciable before national courts or that other forms of redress are available, so that in situations such as the current one when the prices of food undergo a sudden increase, the other branches of government will not be allowed to remain passive.

The current crisis will affect most severely the population of countries which have no such national strategies in place, and which are net food-importing countries without stockpiles allowing them to mitigate the rapid increase of prices on the international markets. The adoption of a national strategy, including a framework law implementing the right to food, should be identified as a priority for all States which have not taken steps towards developing such a strategy, in line with the recommendations States agreed upon when the FAO Council adopted the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security in November 2004.

In the view of the Special Rapporteur on the right to food, the current food crisis illustrates the need for all States to adopt measures which will better shield the most vulnerable segments of the population, in the future, from shocks which may affect either the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; or the accessibility of such food, both economic or physical, in ways

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<sup>10</sup> See Human Rights Council Resolution 7/1, 27 March 2008, para. 13.

<sup>11</sup> General Comment No. 12: The right to adequate food (1999), UN doc. E/C.12/1999/5, para. 21.

that are sustainable and that do not interfere with the enjoyment of other human rights. The measures which the current crisis calls for should not be limited to assistance for the most vulnerable and affected countries, to support for agricultural production, to market stabilization actions, or to the redirection of agricultural investment, science and technology to meet the needs of smallhold farmers. Such measures are hugely important, as the remainder of this background note explains, and the Special Rapporteur shall contribute to shaping the international agenda on these issues. Important though as they are, such measures are not sufficient, if we do not simultaneously recognize the status of the right to adequate food as a human right, and act accordingly.

**The Human Rights Council should consider reiterating the status of the right to food as a human right, and recommend to States that they implement national strategies which reflect this in their domestic legal and institutional framework.**

## 2. The current global food crisis

Today, it is estimated that 854 million people are in a state of food insecurity in the world. Sixty percent of these persons live in Sub-Saharan Africa or in South Asia. 25 million live in transition countries, and 9 million in the developed North. In addition, 2 billion persons suffer from under-nutrition and malnutrition, due to micronutrient deficiencies in vitamins and minerals. According to the World Health Organization, deficiencies of iron, vitamin A, and zinc rank among the top ten leading causes of death through disease in developing countries. Iron deficiency affects an estimated 1.7 billion people worldwide, half of whom suffer from iron deficiency anaemia. Vitamin A deficiency affects 254 million preschool children in 118 countries, and still is a leading cause of child blindness across developing countries. Iodine deficiency affects 780 million people worldwide and is the greatest single cause of brain damage and mental retardation, particularly in the first weeks and months of life. Zinc deficiency contributes to growth failure and weakened immunity in young children; it results in some 800,000 child deaths per year. According to some estimates, each year, 5.6 million of children of five years or less die as a direct or indirect result of malnutrition.

This is an intolerable situation, because it is an preventable one. We produce enough food for all.<sup>12</sup> At the heart of the problem of hunger and malnutrition, there is the problem of the lack of purchasing power for those in need. As noted by president Lula da Silva, the world food crisis ‘is, above all, a crisis of opportunities and distribution’.<sup>13</sup> Famines are characterised as sudden and exceptional crises – a break from the normal state of affairs, associated with, for example, by the failure of certain harvests, by conflicts, or by speculation on food commodities, combined with inappropriate public action. We have learned however, from economist Amartya K. Sen’s study of famines, that these are not caused by a drop in food availability : they are caused by a sudden shift in the entitlement set of certain segments of the population, who become vulnerable because they cannot work, or because the value of the services or goods they offer on the market has fallen.<sup>14</sup>

### 2.1. The impact of soaring food prices

It is in this context that the current crisis should be situated. This crisis is a major one, global and severe in its actual and potential consequences. Historically, the only analogy which can be offered is with the brutal rise in the price of food of the early 1970s, linked to the first oil shock and a sudden rise in demand for grains from the Soviet Union. Over the past year (March 2007-March 2008), the price of corn (maize) rose by 31%, that of rice (which has been particularly steep during the first months of 2008) by 74%, that of soybean by 87%, and that of wheat by 130%. Overall, the price of food commodities on the international markets rose by 83% over the last 36 months. While the impact

<sup>12</sup> See Human Rights Council Resolution 7/14, 27 March 2008, para. 3.

<sup>13</sup> Speech from President Lula da Silva, conference of the Food and Agriculture Organization (FAO) held in Brasilia, 16 April 2008.

<sup>14</sup> A. K. Sen, *Poverty and Famines*, Oxford Univ. Press, 1981.

of those rises on domestic prices for food vary, depending in particular on each country's price stabilization policies and whether they had food stockpiles, the increases have been sharp in a number of countries, sometimes approximating 30-40% in the worse hit countries.

This may mean little to the average middle-class family in industrialized countries, which spends 20% of its budget on food. But it is a dramatic change for families in developing countries which spend 60 to 80% of their budget on food, especially since, in these countries, there are fewer social safety nets, and sometimes none at all. It is understandable that those affected express their desperation in the face of the impossibility to live decently. Some 40 countries have witnessed food-related social unrest during the first months of 2008. Some have been violent, as in Egypt, Côte d'Ivoire or Haiti. In Pakistan and in Thailand, the army has reportedly been deployed in order to protect foodstocks and crops.

In addition, this rise in the price of food, in addition to increased logistical costs linked to the price of oil, makes it difficult for the **international humanitarian agencies** to meet the demands imposed on them, since the cost of providing food relief has considerably gone up: in February 2008, the World Food Programme made an urgent appeal to its donors, requesting a supplement of 500 million USD (on top of a budget of 2.9 billion USD the agency already plans to spend this year) in order simply to continue its existing relief programmes at their current levels; in April, this sum was increased to 755 million USD, in particular due to the rise in the price of rice, which skyrocketed between January and March 2008. The World Food Programme currently provides food to 73 million people in 78 countries. Its calls for support have met with some success, with the United Kingdom committing 60 million USD to the WFP, the Netherlands committing 8 million euros, Sweden 12 million euros, and Luxembourg committing 500,000 euros. Other countries have made important commitments, although the Special Rapporteur has no information about the proportion of that aid which would go to the WFP: the United States of America has committed 200 million USD in additional food aid, and the EU an additional 60 million euros ; France has doubled its food aid, to a total of 60 million euros.

The current situation is particularly worrying for the **net food-importing countries**. Most African countries fall under this category, in large part due to the impact of the liberalization of trade in agricultural products in the 1980s and 1990s, under the structural adjustment programmes which were imposed on them. These countries became dependent on the import of food, and witnessed a change in local diets – for instance, rice has replaced in many cases locally produced crops such as cassava or sorghum. According to figures released by FAO on 11 April 2008, the cereal import bill of the world's poorest countries should rise by 56% in 2007/8, a rise which comes in addition to an already spectacular rise of 37% in 2006/7. For low-income food-deficit countries in Africa, the bill is expected to rise by 74%, an increase which is a combined effect of the rise in the international price of cereals, freight costs, and oil. These countries may simply not be in a position to feed their population. In addition, this situation is predicted to persist : food imports are predicted to more than double between 2000 and 2030 under a business-as-usual scenario, that is, if we do not massively invest in improving agriculture in Africa and if we do not improve the capacity of the concerned countries to cope with climate change.<sup>15</sup>

## 2.2. The causes of the price increase

Six interrelated causes have combined to produce the current crisis.<sup>16</sup> Harvests were poor in Australia in 2006, and the yields were lower than expected in parts of Europe the same year. In Vietnam, around the same period, 38,000 hectares of paddy rice in the Mekong Delta, representing more than half of Vietnam's rice output and up to 90 percent of the country's rice export volume, have been infected with

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<sup>15</sup> Mark W. Rosegrant, Siwa Msangui, Timothy Sulser, and Claudia Ringler, 'Future Scenarios for Agriculture: Plausible Futures to 2030 and Key Trends in Agricultural Growth', background paper prepared for the World Development Report 2008.

<sup>16</sup> See, inter alia, Office for the Coordination of Humanitarian Affairs (OCHA), Background note, *Global Food Challenges*, 23 April 2008 ; Joachim von Braun, *Rising Food Prices. What Should be Done?*, IFPRI Policy Brief, April 2008 ; World Bank, *Rising food prices: Policy options and World Bank response*, April 2008.

diseases and mined by pests. Yet, these developments constitute only a very partial explanation, since these losses have been compensated by good harvests in other locations. In fact, the increase in international prices of food has structural causes. Only these structural causes explain why the global level of grain stocks is estimated at 405 million tons for 2007/2008, 5% less than the previous year which already constituted a historically low point.

What we see, first, is a **structural transformation of the demand side**. The world population increases by some 75 million persons each year; in 2025, we will be 8 billion living on the planet, and 9.2 billion in 2050. The strong economic growth of certain emerging economies, such as China or India, increased urbanization, and the rise of a middle class in these countries, all lead to a change in dietary habits, with a higher demand for proteins and a switch from grains to meat, vegetables and fruit. In China, the average per capita consumption of meat was 20 kg in 1980; it is now situated at around 50 kg. The demand is therefore significantly stronger : for each calorie of beef to be produced, we need 9 calories of plants ; and we need 4.5 calories of plants to produce one calorie of milk or egg. Nobody questions the right of populations in emerging economies to switch to more protein-rich diets, of course. Instead, as an indicator of progress in the direction of improved human development, this switch in dietary habits is to be welcomed, although we should not underestimate the public health impacts of certain changes in diet. But this development needs to be factored into the overall equation.

Indeed, the supply side finds it increasingly difficult to follow. This is largely due to the fact that since the 1980s, while certain forms of support to agriculture such as subsidies or marketing boards were dismantled under structural adjustment reforms because of their alleged inefficiency and market-distorting impacts, **investments in agriculture have been widely insufficient**. As noted by the World Bank in its *World Development Report 2008 – Agriculture for Development*, ‘the agriculture-based countries have very low public spending in agriculture as a share of their agricultural GDP’, at an average of 4% in 2004.<sup>17</sup> As noted by the World Bank’s Independent Evaluation Group (IEG), this failure is one of the international community as a whole, including the World Bank itself.<sup>18</sup> Specifically, according to the IEG, too little has been done to support irrigation; to take into account the challenges posed by the great diversity of agro-ecological conditions in Africa; to devise effective strategies for countries to maintain their own food security; and to expand small farmers’ access to credit and to markets, by improvements in transport infrastructure. While the prices of agricultural inputs rose, farmers were not supported to cope with these cost increases, and their productivity suffered as a result. In the process, a larger number of Sub-Saharan African countries became net food importers.

The increase of international food prices will not result immediately in an increase of the supply of food on the world markets. Supply is relatively inelastic – i.e., relatively unresponsive to price signals –, because the productivity gaps in agriculture require investments in infrastructure to be filled ; and because the quantity of arable surfaces is not infinite, but instead limited, especially under conditions of climate change, resulting in a situation in which, according to certain estimates, 16% of the land currently under cultivation is threatened by exhaustion. Certain regions do present a potential. This is the case particularly in Kazakhstan, Russia, or Ukraine, where some 13 million hectares of arable land abandoned during the transition period could be put to use without major difficulty, although the environmental costs of doing so should be carefully examined, and although the conduct of large agribusiness companies which would be involved in this development should be kept under careful scrutiny.<sup>19</sup>

In the mid-term, the single most important threat to the ability of agricultural production to meet the rising demand is **climate change**. Climate change threatens the capacity of a number of developing

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<sup>17</sup> The World Bank, *World Development Report 2008 – Agriculture for Development*, 19 October 2007, p. 7.

<sup>18</sup> Independent Evaluation Group of the World Bank, *The World Bank’s Assistance to Agriculture in Sub-Saharan Africa: An IEG Review*, October 2007.

<sup>19</sup> European Bank for Reconstruction and Development and FAO, *Fighting food inflation through sustainable investment. Grain production and export potential in CIS countries. Rising food prices: causes, consequences and policy responses*, 10 March 2008.

States, particularly in Sub-Saharan Africa, to maintain the current levels of agricultural production. In that region, as well as in Eastern Asia and South Asia, climate change will affect rains, increase the frequency of droughts and average temperature, and threaten the availability of fresh water for agricultural production. In Sub-Saharan Africa, arid and semi-arid areas are projected to increase by 60-90 million hectares, and the Intergovernmental Panel on Climate Change has estimated that in Southern Africa yields from rainfed agriculture could be reduced by up to 50 percent between 2000 and 2020.<sup>20</sup> The longer-term prognoses are equally worrisome. The UNDP reports an estimate according to which by 2080, the number of additional people at risk of hunger could reach 600 million, as a direct result of climate change.<sup>21</sup> An authoritative study conducted within the Center for Global Development and the Peterson Institute for International Economics arrives at the conclusion that, while losses in agricultural production in a number of developing countries, particularly in Sub-Saharan Africa, would be partially compensated by gains in other regions, the overall result would be a decrease of at least 3 percent in productive capacity by the 2080s, but the losses would be 16 percent if the anticipated carbon fertilization effects<sup>22</sup> fail to materialize. They conclude that ‘a prudent range for impact on global agricultural capacity by the 2080s (...) [could] lie in the range of reductions of 10 to 25 percent. Even if global productive potential were cut by only 3 percent, the results find an inequitable distribution of the effects, driven by the fact that the poor countries tend to be located in lower latitudes, where temperatures are already at or above optimal levels. On average developing countries would suffer losses of 9 percent, and median losses for these countries would amount to 15 percent. Confirming previous studies, the results here indicate that the losses would be most severe in Africa (estimated here at 17 percent average loss and 18 percent median loss in agricultural capacity) and Latin America (13 percent average and 16 percent median loss). The losses would be much larger if the benefits from carbon fertilization failed to materialize (averaging about 21 percent for all developing countries, 28 percent for Africa, and 24 percent for Latin America)’.<sup>23</sup> These findings are further confirmed by a recent article published in *Science*.<sup>24</sup>

The **rise in the costs of oil** also played a role. The price is currently hovering around 120 USD per barrel. This increases the costs of agricultural production, because of the energy required in agricultural inputs, particularly pesticides and fertilizers ; and it further raises the bill of food importing countries. It also makes the production of agrofuels more attractive. The **rise in the demand for agrofuels** in turn has been considered by a number of analysts as one determining factor in the current crisis.<sup>25</sup> Food and fuel compete for scarce arable land : either the land available is increased by deforestation, as seen in Brazil or in Indonesia, or less food is produced in order to fill car tanks. Since 2004, the total increase in the production of corn in the United States has gone to the production of bioethanol: some 25 percent of the 13.1 billion bushels of corn produced in the U.S. in

<sup>20</sup> IPCC, *Climate Change 2007: Climate Change Impacts, Adaptation and Vulnerability. Working Group II Contribution to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change* (S. Solomon, D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor and H.L. Miller, eds), Cambridge Univ. Press, Cambridge and New York, chapter 9.

<sup>21</sup> UNDP, *Human Development Report 2007/2008. Fighting Climate Change: Human solidarity in a divided world*, 2007, p. 90 (citing Rachel Warren, Nigel Arnell, Robert Nicholls, Peter Levy and Jeff Price, ‘Understanding the Regional Impacts of Climate Change’, Research Report prepared for the Stern Review on the Economic of Climate Change, Research Working Paper No. 90, Tyndall Centre for Climate Change, Norwich).

<sup>22</sup> These consist in the incorporation of carbon dioxide in the process of photosynthesis, which uses solar energy to combine water and carbon dioxide to produce carbohydrates, with oxygen as a by-product (definition adapted from William R. Cline, *Global Warming and Agriculture. Impact Estimates by Country*, Center for Global Development and the Peterson Institute for International Economics, 2007, at 24).

<sup>23</sup> William R. Cline, *Global Warming and Agriculture. Impact Estimates by Country*, Center for Global Development and the Peterson Institute for International Economics, at p. 96.

<sup>24</sup> David B. Lobell, Marshall B. Burke, Claudia Tebaldi, Michael D. Mastrandrea, Walter P. Falcon, and Rosamond L. Naylor, ‘Prioritizing Climate Change Adaptation Needs for Food Security in 2030’, *Science*, 1 February 2008, vol. 319, pp. 607-610 (showing, on the basis of an analysis of climate risks for crops in 12 food-insecure regions, that South Asia and Southern Africa are two regions that, without sufficient adaptation measures, will likely suffer negative impacts on several crops that are important to large food-insecure human populations).

<sup>25</sup> Joachim von Braun estimates that the demand for agrofuels may be responsible for 30% of the current increases in food prices (see *Rising Food Prices. What Should be Done?*, IFPRI Policy Brief, April 2008). While it does not cite a figure, the World Bank also shares the view that this constitutes a determining factor : see World Bank, *Rising food prices: Policy options and World Bank response*, April 2008.



2008 will be dedicated to bioethanol production, the stated objective being to arrive at 9 billion gallons on bioethanol in 2008 (34.02 billion liters) and 10 billion in 2009 (37.8 billion liters); and the 2007 Energy Independence and Security Act sets a mandatory Renewable Fuel Standard (RFS) requiring fuel producers to use at least 36 billion gallons of biofuel in 2022. There were 50 ethanol factories in the U.S. in 2000; there are now 140, and 60 more are under construction.<sup>26</sup>

Many had thought that agrofuels would be more protective of the environment, since a reduced use of fossil fuels would limit greenhouse gas emissions ; in addition, agrofuels would reduce the energy dependency of non-oil producing States on volatile oil prices ; and, subsidized, they are an important source of support for the farmers producing crops for fuel. But there is now mounting evidence that too many hopes have been placed in agrofuels. First, it is clear that agrofuels cannot constitute an alternative to reliance on fossil fuels : the U.S. National Academies of Sciences found that even if all the corn and soybeans produced in the U.S in 2005 were used for bioethanol production, this would only replace 12% of the country's gasoline demand and 6% of its diesel demand.<sup>27</sup> Second, in their current mode of production, the impact of agrofuels on the environment has been shown to be clearly negative, both because of increased deforestation and because of the nitrous gas emissions released in their production. Thus, a recent issue of *Science* published conclusions according to which 'converting rainforests, peatlands, savannas, or grasslands to produce food crop-based biofuels in Brazil, Southeast Asia, and the United States creates a 'biofuel carbon debt' by releasing 17 to 420 times more CO<sub>2</sub> than the annual greenhouse gas (GHG) reductions that these biofuels would provide by displacing fossil fuels'.<sup>28</sup> Another study by Nobel price-winning chemist Paul Crutzen, a specialist on the ozone layer, suggests that growing and burning biofuel crops may in fact raise, rather than lower, greenhouse gas emissions, although the impacts of rapeseed biodiesel, primarily used in Europe, and of corn bioethanol, dominant in the U.S., are significantly worse in this regard than those of cane sugar bioethanol, as mainly produced in Brazil.<sup>29</sup> Third, we understand that we have grossly underestimated the quantity of energy required to produce agrofuel, and the quantity of water involved in the processing of crops for that purpose, in a world in which water scarcity is rightly seen as a pressing issue. Finally and most importantly, we have come to realize that diverting crops from the production of food and feed to the production of fuel leads to a pressure upwards on the international markets for agricultural products, which endangers food security.

In this context, it should be noted that the U.S. Energy Secretary Samuel Bodman recognized on 18 April 2008 the responsibility of corn-based ethanol in the increase of food prices, and concluded that ethanol production in the U.S. should gradually move away from ethanol produced from foodstocks like corn.<sup>30</sup> The EU also, which had set an objective of 10% of agrofuels in transport by 2020, seems now set to revise this ambitious goal.<sup>31</sup> Expert advice provided to the European Commission explains its growing hesitation to maintain a target which, at a minimum, is now considered unrealistic : a report from the Joint Research Council, the European Commission's in-house scientific body, noted that the environmental benefits of agrofuels were uncertain, particularly since the greenhouse gas effects of the use of nitrogen fertilisers have been underestimated and because land use changes could release such quantities of greenhouse gas that it would negate the savings from EU agrofuels<sup>32</sup>; the European Environmental Agency warned, on April 10th, that the objective set was unrealistic in view of the scarcity of arable land, and emphasizing the negative impacts on soil, water and biodiversity, they called upon the EU to abandon this objective.

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<sup>26</sup> 'New reasons to be suspicious of ethanol', *The Economist*, March 1st, 2008, p. 36.

<sup>27</sup> M. Muller, T. Yelden and H. Schoonover, *Food versus Fuel in the United States –Can Both Win in the Era of Ethanol?*, Institute for Agriculture and Trade Policy (IATP), September 2007, 2, available at [www.iatp.org](http://www.iatp.org). The article refers to a study by the National Academies of Sciences, by J. Hill, E. Nelson, D. Timan, S. Polasky and D. Tiffany, 'Environmental, economic and energetic costs of biodiesel and ethanol biofuels', 12 July 2006.

<sup>28</sup> Joseph Fargione, Jason Hill, David Tilman, Stephen Polasky, and Peter Hawthorne, 'Land Clearing and the Biofuel Carbon Debt', *Science*, 29 February 2008, vol. 319, pp. 1235-1238.

<sup>29</sup> Royal Society of Chemistry's Magazine, *Chemistry World*, 'Biofuels could increase global warming with laughing gas', 21 September 2007.

<sup>30</sup> S. Hughes, 'Corn-Based Ethanol Tied to Higher Food Costs', *Wall Street Journal*, 19-20 April 2008.

<sup>31</sup> *The Guardian*, Saturday April 19th, 2008.

<sup>32</sup> Friends of the Earth Europe and Birdlife International, 'EU biofuels policy left in tatters', Press release, 18 January 2008.

Clearly, there is a need for the international community to hold an open discussion about agrofuel production, taking into account its impacts on food security, in addition to its environmental and social impacts. The Special Rapporteur is willing to contribute to this discussion. In this discussion, careful distinctions should be drawn between different sources of agrofuels, some of which represent a more serious threat to food security than others, and some of which may have an underestimated potential.<sup>33</sup> Research should continue to improve technologies for the development of agrofuels made from waste biomass or from biomass grown on degraded and abandoned agricultural lands planted with perennials, which – in contrast to the so-called ‘first-generation’ agrofuels made out of food crops – incur little or no carbon debt and can offer advantages from the point of view of greenhouse gas emissions.<sup>34</sup> Without wanting to prejudge the outcomes of this discussion, the Special Rapporteur would note, however, that second-generation agrofuels may require even more volumes of fresh water for their production, which might constitute a serious obstacle to their sustainability.

Finally, in the context of the current food crisis, the role of **speculative investment** cannot be ignored. Since 2002, large investors have sought refuge from other investments in oil, and later in minerals and now, increasingly, in primary commodities, particularly in grains. It has been reported that total index-fund investment in corn, soybeans, wheat, cattle and hogs has increased in 2007 to more than 47 billion USD, from 10 billion USD in 2006.<sup>35</sup> This has contributed to push the international prices of such commodities upwards on specialized boards, such as the Chicago Board of Trade. There are currently no restraints on such speculative movements ; social irresponsibility, rather than an evaluation of the impacts of such speculative movements on the right to food, prevails. Work is needed on tools that could be developed in order to discourage such speculative pressures on the prices of food commodities, as in the current discussions on the proposal of the Indian government to introduce a new tax on commodities futures, aimed at curbing volatility of the prices of commodities.<sup>36</sup> In time, the international community may arrive at the conclusion that a coordinated effort is required also on this front.

### 2.3. Policy responses to date

#### a) *Emergency measures*

Although the responses by States to the current food crisis have been varied, the emergency measures they have taken fall under two broad categories. A number of States have adopted **trade policy measures** in order to lower domestic food prices. Some countries have reduced or removed import tariffs on agricultural goods, often in the hope that food will be more affordable for their population (Azerbaijan, Bangladesh, Bosnia, China, Egypt, the EU, Ghana, India, Indonesia, Mexico, Morocco, Nigeria, Peru, the Philippines, Russia, Saudi Arabia, Taiwan and Turkey). At the same time however, other countries have imposed additional export tariffs, set export quotas, or even prohibited export of certain staple foods, in order to reduce domestic prices. In Argentina, this led farmers to withhold goods from markets and to block rural roads during three weeks (March 13th-April 2nd), leading the

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<sup>33</sup> This is the case for instance of agrofuel produced from jatropha, which is an extremely resistant plant which can grow even on soil not suitable for agriculture, or in quasi-desertic areas. Another underestimated source of agrofuels is sweet sorghum, which is a crop suitable for multiple use, since the seeds at the top of the crop can be harvested for food, while the sugars in the stalks can be converted into ethanol, thus mitigating the food-fuel competition. In addition, sweet sorghum can be harvested multiple times a year thanks to its rapid growth, which in turn can enhance permanent employment instead of mere seasonal jobs. Moreover, it can be grown on a small scale, and requires less water than a crop like sugarcane. See *Biofuels for transport: global potential and implications for sustainable energy and agriculture*, World Watch Institute, London, Sterling, VA, Earthscan, 2007.

<sup>34</sup> See Joseph Fargione, Jason Hill, David Tilman, Stephen Polasky, and Peter Hawthorne, ‘Land Clearing and the Biofuel Carbon Debt’, cited above.

<sup>35</sup> This figure is provided by AgResource Co., an agriculture research firm. See David Kesmodel, Laurent Etter and Aaron O. Patrick, ‘Grain Companies’ Profits Soar As Global Food Crisis Mounts’, *The Wall Street Journal*, 30 April 2008, pages A1 and A14.

<sup>36</sup> Paul Beckett, ‘Proposed Tax on Commodities Futures Could Undermine Mumbai’s Ambitions’, *The Wall Street Journal*, 28 April 2008, page C 10.

Argentinian supermarkets to run out of meat and milk and to run low on other staples.<sup>37</sup> China, Egypt, India, Indonesia, Kazakhstan, Ukraine, and Vietnam, have resorted to such measures, to a greater or lesser extent. Indonesia has stepped up border patrols and adopted other measures to combat the smuggling of rice to other countries.<sup>38</sup> Some countries have sought to build strategic reserves, anticipating further price increases (Indonesia, Iraq, Malaysia, Turkey, and the UAE). Others have increased subsidy levels (Egypt, India, and Oman), set price controls (China, Russia and Thailand), or considered the possibility of introducing rationing (Malaysia and Pakistan).<sup>39</sup>

These policies cut in conflicting directions : the efforts of food-importing countries to feed their population by buying on the international markets and lowering import tariffs are undercut by restrictions to exports.<sup>40</sup> In addition, restrictions to exports send the wrong signals to agricultural producers, which should be encouraged to produce more, not less. Both export restrictions and the lowering of import tariffs are relatively inefficient : to the extent that they succeed, they benefit the whole of the domestic population, and not the segments which are most in need of support. The lowering of import tariffs presents two additional problems. First, it deprives certain States from what may constitute important sources of revenues which they could use for the financing of social programmes. Secondly, while offering temporary relief to the population by lowering domestic food prices, it also may make local producers vulnerable to surges in imports.<sup>41</sup>

The trade policy answers we have seen up to know are entirely understandable. They are legitimate, to the extent that each government has sought to respond to the needs of its population. The Special Rapporteur cannot fail to note, however, that it is precisely at a moment where international cooperation would be most urgently required, that States have acted in disorder, sometimes undermining one another's efforts at responding to the crisis we face jointly. In addition, the policy responses have been short-term, when what we require are policies aimed at implementing the right to food in the long term – structural responses, rather than short-term reactions. Emergency solutions are necessary to mitigate the current crisis, but they should not be seen as a substitute for the holistic approach to hunger and poverty reduction as enshrined in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.<sup>42</sup>

In this context, the Special Rapporteur notes with interest that a number of States have reacted to the current food crisis by measures which aim at guaranteeing the right to adequate food by protecting households through **targeted safety nets**. A number of countries have cash transfer programs in place, which they are strengthening in order to respond to the crisis. Examples are Brazil, China, Ethiopia, Egypt, Indonesia, Mexico, Mozambique, the Philippines, South Africa, Sri Lanka and Tunisia.<sup>43</sup> In

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<sup>37</sup> M. Casey and M. Moffett, 'Argentine Farmers Call a Truce', *The Wall Street Journal*, 2 April 2008.

<sup>38</sup> T. Wright and Y. Yuniar, 'Indonesian Rice Prices Raise Smuggling Fears', *The Wall Street Journal*, 26-27 April 2008.

<sup>39</sup> This catalogue of States' reactions is in part borrowed from Alex Evans, *Rising Food Prices. Drivers and Implications for Development*, Chatham House briefing paper No. 08/01, April 2008 ([www.chathamhouse.org.uk](http://www.chathamhouse.org.uk)), although the Special Rapporteur had completed the list on the basis of the information he has received. For Saudi Arabia, Vietnam, India, and Ukraine, see Alan Beattie, 'Rush to restrict trade in basic foods', *Financial Times*, April 1st, 2008.

<sup>40</sup> For instance, the Philippines sought to buy 500.000 tons of rice on the markets on April 17th, but could only receive offers for 325.750 tons, at prices 60% above their level of mid-March.

<sup>41</sup> On this danger, see Raj Patel, *The World Bank and Agriculture. A Critical Review of the World Bank's World Development Report 2008*, ActionAid discussion paper, October 2007, at p. 8, with further references to reports by ActionAid International on specific instances where import surges have led to the destruction of local food production.

<sup>42</sup> According to the Voluntary Guidelines, such an approach 'entails, *inter alia*, direct and immediate measures to ensure access to adequate food as part of a social safety net; investment in productive activities and projects to improve the livelihoods of the poor and hungry in a sustainable manner; the development of appropriate institutions, functioning markets, a conducive legal and regulatory framework; and access to employment, productive resources and appropriate services' (guideline 2, para. 2.4.). In defining the mandate of the Special Rapporteur on the right to food, the Human Rights Council has reaffirmed the validity of the Voluntary Guidelines as a practical tool for the realization of the right to adequate food : see Human Rights Council Resolution 6/2, 27 September 2007, para. 6.

<sup>43</sup> This list is compiled by the World Bank, *Rising food prices: Policy options and World Bank response*, April 2008, except for the Philippines, for which the Special Rapporteur bases himself on media reports (Carlos H. Conde, 'Philippines Introduces Cash Subsidies and Cheaper Rice for the Poor', *New York Times*, 28 April 2008; and James Hookway, 'Philippines Considers Rolling Back Rice Subsidies', *The Wall Street Journal*, 28 April 2008 (both referring to the imminent introduction of 'family access cards' entitling families under a particular level of monthly income, equivalent to

addition, some States have in place food-for-work programmes ; emergency food aid distribution programmes ; or school feeding programmes.

#### *b) Medium-term measures*

There is general agreement that such emergency measures do not constitute a sufficient answer to the current crisis, and that solutions must be found, in the immediate future, to enhance longer-term food supply, particularly through support for agriculture in developing countries. Yet, in the choice of such measures too, conflicts may emerge between short-term and long-term considerations, and a framework for international cooperation is urgently required, since States alone would not be in a position to develop effective and sustainable policies.

Consider first the negotiations led under the Doha development cycle. Developing countries have been critical about the distortions resulting from the **agricultural subsidies** benefiting producers from developed countries, particularly the EU, the United States, and Japan. The UNDP noted in this regard: ‘When it comes to world agricultural trade, market success is determined not by comparative advantage, but by comparative access to subsidies – an area in which producers in poor countries are unable to compete’.<sup>44</sup> Developed countries subsidies to their agricultural producers were estimated in that report to amount to 350 billion USD a year. This in turn, according to UNDP estimates, represents a loss of 34 billion USD per year for developing countries, whose producers are confronted with the dumping of heavily subsidized agricultural products on the world markets, not counting the dynamic and spillover effects on communities who depend on the agricultural sector for investment and employment. On the one hand, the current increase in the price of food commodities represents an opportunity to finally put an end to this massive distortion of trade, by making it easier for developed States to justify lowering the level of support to their farmers, which would bring us closer to an agreement in the current round of negotiations. On the other hand however, we need to be aware of the differences which exist between different groups of developing countries on this issue. The Cairns Group (Argentina, Brazil, Chile, Colombia, Costa Rica, Indonesia, Malaysia, Philippines, South Africa, Thailand and Uruguay) have a strong comparative advantage in agriculture and would clearly benefit from the removal, or at least the lowering, of the trade-distorting subsidies of the developed countries. Other developing countries are net food-importing countries and their populations would, in general, be hurt by the inflationary impact of the removal of subsidies, aggravating the impact on food security of the current peak in prices.<sup>45</sup> In addition, because of the lack of investment in agriculture for many years, many farmers from this second group of countries may not be able to benefit from the removal of trade-distorting agricultural subsidies, or from the resulting increase in prices on the international markets. The Special Rapporteur is aware of these conflicting interests, and of the need to address the issue in all its complexity. It is his firm belief, however, that the right to adequate food cannot be dissociated from the current trade negotiations, as reflected in the mandate he has been given by the Human Rights Council to work in close cooperation with other actors to ‘take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields’.<sup>46</sup>

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approximately 120 USD, to buy government-subsidized rice, although this would appear to go hand in hand with the removal of rice subsidies lowering the price of rice for all consumers)).

<sup>44</sup> UNDP, *Human Development Report 2005: International Cooperation at a crossroads: Aid, trade and security in an unequal world*, Ch. 4: International trade – unlocking the potential for human development, at p. 130.

<sup>45</sup> See Arvind Panagariya, ‘Agricultural Liberalisation and the Least Developed Countries: Six Fallacies’, *World Economy: Global Trade Policy* (2005), pp. 1277-1299. See also Joseph Stiglitz and Andrew Charlton, *Fair Trade for All. How Trade can promote Development*, Oxford Univ. Press, 2005, repr. 2007, at p. 233 (‘[developed countries’] domestic production support for price-sensitive necessities that are widely consumed in developing countries should be reduced gradually, with some of the savings in developed country subsidy budgets being directed at ameliorating the adjustment costs of those in the developing world. Many developing countries in North Africa, Sub-Saharan Africa and Latin America (though not Brazil, Argentina, or Mexico) rely on imports of subsidized grains and oilseeds from OECD producers. [These] countries are particularly exposed to agricultural reforms which might increase the price of some commodities’).

<sup>46</sup> Human Rights Council Res. 6/2, 27 September 2007, para. 2(f).

Whatever the outcome of the current round of trade negotiations under the WTO, **reinvesting in agriculture in developing countries** is an absolute priority, as recognized under the FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.<sup>47</sup> Yet, the kinds of investments we make should be based on a clear understanding of the kind of agriculture we want. To the fullest extent possible, it would be advisable to delink the costs of agricultural production from the prices of energy ; to take into account the many functions the agricultural sector has to fulfil – production, but also social cohesion and environmental services –; and to move towards a model of agriculture which is more sustainable in the long term, particularly given the new vulnerabilities entailed by climate change, and the scarcity of land and water due to desertification and exhaustion of soils. Sustainability of the means of agricultural production was one of the concerns of the States when they adopted the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.<sup>48</sup> Recently, the soundness of this judgment was confirmed by the conclusions of the International Assessment of Agricultural Science and Technology for Development (IAASTD), the result of 3 years of research and consultations involving 400 experts, which over 50 governments approved at a Johannesburg meeting held in April 2008.<sup>49</sup>

Specifically, the IAASTD study highlights four issues. First, it insists on the need to redirect agricultural science and technology in order to ensure that it addresses the needs of smallscale farmers in developing countries, and that it meets the challenge of sustainability, particularly in the context of climate change. Such redirection is urgent, since agricultural science and technology hitherto has mainly benefited largescale enterprises and has not focused on the specific needs of the rural poor in developing countries. For instance, problems such as availability and cost of good-quality seed, soil degradation, and post-harvest losses, all could be tackled with relatively simple technologies and investments, provided the diffusion of such technologies and such investments are redefined as a priority. Second, the IAASTD underscores the need to promote innovation within farmers' communities, and the use of available local knowledge which could be upscaled to benefit larger regions. Third, there is a need to massively reinvest in agriculture. As noted by the World Bank, agricultural growth is particularly effective in poverty reducing strategies : 'Cross-country estimates show that GDP growth originating in agriculture is at least twice as effective in reducing poverty as GDP growth originating outside agriculture'.<sup>50</sup> But agricultural research and development in developing countries has been particularly low, which stands in stark contrast with the fact that the agricultural sector in developing countries is much more important, as a percentage of the population depending directly or indirectly on this sector, than in the OECD countries.<sup>51</sup> And investments in rural infrastructure, whether physical (irrigation systems, roads) or non-physical (access to markets and credit), have been lacking. Finally, the IAASTD notes the need to take into account the gender dimension in agricultural restructuring. The involvement of women is increasing in many developing countries, particularly with the development of export-oriented irrigated farming, which is associated with a growing demand for female labor, including migrant workers. But women still have limited access to education, limited control over natural resources, insecure employment, and lower income.

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<sup>47</sup> See para. 3.7. of the Guidelines (encouraging States, 'in a sustainable manner, to increase productivity and to revitalize the agriculture sector including livestock, forestry and fisheries through special policies and strategies targeted at small-scale and traditional fishers and farmers in rural areas, and the creation of enabling conditions for private sector participation, with emphasis on human capacity development and the removal of constraints to agricultural production, marketing and distribution').

<sup>48</sup> See para. 8.13 : 'States should consider specific national policies, legal instruments and supporting mechanisms to protect ecological sustainability and the carrying capacity of ecosystems to ensure the possibility for increased, sustainable food production for present and future generations, prevent water pollution, protect the fertility of the soil, and promote the sustainable management of fisheries and forestry.'

<sup>49</sup> [www.agassessment.org](http://www.agassessment.org)

<sup>50</sup> World Development Report 2008, at p. 6. See also J. Alston et al., *A Meta-Analysis of Rates of Return to Agricultural R&D: Research Report 113*, IFPRI, Washington D.C., 2002.

<sup>51</sup> It has been noted that developed countries spend, on average, 5.16 USD on S&T for every 100 USD of agricultural output, whereas developing countries invest only 0.57 USD. See E. Toby Kiers et al., 'Agriculture at a Crossroads', *Science*, vol. 230, pp. 320-321, citing P. Pardey et al., *Science, Technology, and Skills*, International Science and Technology Practice and Policy (INSTEPP), CGIAR and Department of Applied Economics, Univ. of Minnesota, for FAO, Rome, 2007. E. Toby Kiers et al. are among the main authors of the IAASTD.

The discrimination they are subjected to constitutes an important obstacle to their ability to benefit from market-based opportunities, and to benefit from agricultural science and technology.

The Initiative on Soaring Food Prices (ISFP) launched by FAO is grounded on the recognition that reinvesting in agriculture is a priority. This initiative offers technical and policy assistance to poor countries affected by high food prices (beginning with Burkina Faso, Mauritania, Mozambique and Senegal) in order help farmers improve production in the coming agricultural seasons, by facilitating access to inputs such as improved seeds, organic and inorganic fertilizer and water. In addition, FAO helps governments prepare actions and strategies to increase agricultural production. In collaboration with the World Food Programme, IFAD and other partners, FAO also intends to enlarge its food market information system to pull together and analyze various data sources at local, national and international levels and to disseminate this information. By April 2008, FAO had allocated 17 million USD for these activities. More resources would be required to upscale this programme.

### 3. Conclusion

**The Special Rapporteur cannot fail to note that neither in the policy responses to the current food crisis, nor in the exploration of long-term solutions to enhance food supply, is the human right to adequate food even mentioned – let alone, used as a guide for the implementation of international cooperation and national strategies. This constitutes a failure which the Special Rapporteur calls upon the Human Rights Council to remedy. In terms of improving accountability, monitoring and participation, and because it will lead to emphasize the dimension of non-discrimination, the reference to the human right to adequate food may constitute a significant contribution to the development of national strategies, and it can guide the identification of best practices. In clarifying the international obligations of States which follow from the right to adequate food, this framework may help to promote a much needed international cooperation. The human right to adequate food should be mainstreamed in the current discussions on the approach the international community should have to the global food crisis.**

**The Special Rapporteur on the right to food calls for a special session of the Human Rights Council, not only because this would clearly demonstrate the adherence of the members of the Council to the principle of interdependence, indivisibility, and equal importance of economic, social and cultural rights and of civil and political rights, but also because the Human Rights Council has an important substantive contribution to make to the debate. The Special Rapporteur is prepared to develop this background note, which constitutes his first written contribution in implementation of the mandate, into a more fully developed document, in order to assist the Council in its deliberations. It is his duty to call upon the Human Rights Council to meet its responsibilities under the current circumstances.**

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