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**Food Sovereignty: A Strategy for the Progressive  
Realization of the Right to Food**

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## I. INTRODUCTION

It is universally acknowledged that the right to food is a fundamental human right. The right to food was first acknowledged in the Universal Declaration of Human Rights (Article 25), and later codified in the International Covenant on Economic, Social and Cultural Rights (Article 11). General Comment 12 notes that the right to food is “linked to the inherent dignity of the human person,”<sup>1</sup> nonetheless the Food and Agricultural Organization reports that more than one billion people are hungry and undernourished worldwide.<sup>2</sup> The vast majority of this figure – over half of the billion – are small independent food producers or waged agricultural workers working on farms in the formal or informal sector.<sup>3</sup>

Given that one of the most vulnerable groups facing food insecurity and hunger are small independent food producers, this paper first focuses on a concept that has the potential to address the needs of smallholders while at the same time providing a sustainable solution towards the realization of the right to food: food sovereignty. It analyzes the principles of food sovereignty and explores its relationship with right to food and food security. Further, it points to documents, treaties, and reports, all of which support the concept of food sovereignty.

The paper then discusses two examples of government practices that have the potential to threaten food sovereignty. The paper goes into more detail with the first example: food aid. While food aid can be divided into three broad categories- relief food aid, program food aid, and project food aid, this paper uses the term “food aid” broadly to refer to program and relief food

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<sup>1</sup> Committee on Economic, Cultural, and Social Rights, General Comment 12, E/C.12/1999/5 at para. 4 (12 May 1999).

<sup>2</sup> Food and Agriculture Association of the UN, *The State of Food Insecurity in the World*, Rome, 2009 at p. 4, available at: <http://docustore.wfp.org/stellent/groups/public/documents/newsroom/wfp209430.pdf>

<sup>3</sup> Report of the Special Rapporteur on the right to food, *Agribusiness and the right to food*, A/HRC/13/33, at Summary (22 December 2009).

aid, and makes distinctions between the two where appropriate. The paper then looks at a second practice that undermines food sovereignty: large-scale land acquisitions and leases. Finally, the paper concludes that food sovereignty is an important path to a just and sustainable food system.

## II. FOOD SOVEREIGNTY

The concept of “food sovereignty” enables the realization of the right to food. The underlying principles of food sovereignty include the “right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods” in addition to the right of each nation or people to define their own agricultural and food policies.<sup>4</sup> Food sovereignty “puts the aspirations and needs of those who produce, distribute, and consume food at the heart of the food systems and policies rather than the demands of markets and corporations.”<sup>5</sup>

By relying on small hold farmers instead of transnational corporations, food sovereignty aims to rebuild people’s national and local food systems. The General Assembly acknowledged food sovereignty in its 2008 Resolution:

*Notes* the need to further examine various concepts such as, inter alia, ‘food sovereignty’ and their relation with food security and the right to food, bearing in mind the need to avoid any negative impact on the enjoyment of the right to food for all people at all times.<sup>6</sup>

According to the Committee on Economic, Cultural, and Social Rights, States have the obligation to ensure that everyone under their jurisdiction has access to the minimum essential food, which is sufficient, nutritionally adequate, and safe to ensure their freedom from hunger.<sup>7</sup>

The international community reaffirmed this at the World Food Summit and declared that “the

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<sup>4</sup> Nyeleni Declaration, <http://www.landaction.org/spip/spip.php?article37>

<sup>5</sup> *Id.*

<sup>6</sup> Resolution adopted by the General Assembly on the right to food, A/RES/63/187 at para. 14 (18 December 2008).

<sup>7</sup> Committee on Economic, Cultural, and Social Rights, General Comment 12, E/C.12/1999/5 at para. 14 (12 May 1999).

right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.”<sup>8</sup>

### **A. Support for Food Sovereignty**

The framework of food sovereignty is related to the three levels of obligations of States according to the Committee on Economic, Social, and Cultural Rights.<sup>9</sup> First, States’ obligation to respect existing access to adequate food means that States cannot take any measure that results in preventing access to food. The principles of food sovereignty are in congruence with this right since they focus on the right to sufficient and appropriate food for all and value food providers such as small-scale farmers and peasants.<sup>10</sup> Second, food sovereignty encompasses the notion that people have the exclusive right to protect and regulate production in internal and external commerce. This is directly related to the second obligation States have: the obligation to protect the right to adequate food. Third, States parties have the obligation to fulfill, which is tied in with the very core of food sovereignty: engaging in activities intended to ensure people’s livelihood and ability to feed themselves.

In 2008, the same year the General Assembly included language on food sovereignty in its Resolution, Ecuador adopted food sovereignty into its Constitution by declaring the State to “promote food sovereignty.”<sup>11</sup> An entire Chapter of the Constitution is dedicated to the State’s responsibilities in accomplishing this goal such as “adopting fiscal and redistributive policies to

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<sup>8</sup> World Food Summit, *Rome Declaration on World Food Security* (1996 November), available at: <http://www.fao.org/docrep/003/w3548e/w3548e00.htm>

<sup>9</sup> *Id.* at para. 15.

<sup>10</sup> FoodFirst Information and Action Network (FIAN), *Defending African Peasants’ Rights* (2009 November) at p. 21.

<sup>11</sup> *Ecuador Constitution*, Section I, Article 13, available at: <http://www.asambleanacional.gov.ec/documentos/Constitucion-2008.pdf>

increase resources for farmers to protect the national economy from food import dependency.”<sup>12</sup>

The Cordoba Declaration on the Right to Food and the Governance of the Global Food and Agricultural Systems also adheres to the core principles of food sovereignty.<sup>13</sup> It identifies “the lack of protection of smallholder farming communities and indigenous people against agri-industrial expansion” and calls on States to “revise policies and practices to guarantee that the food insecure and vulnerable groups in their society can feed themselves directly from productive land or other natural resources.”<sup>14</sup>

These vulnerable groups include small hold farmers, women, and peasants, who as producers are at the core of the food system, but nonetheless form the bulk of the hungry today.<sup>15</sup> In his most recent report, the Special Rapporteur (SR) on the right to food, Olivier De Schutter, examined the roles played by commodity buyers, food processors, and retailers in the realization of the right to food.<sup>16</sup> The Special Rapporteur addressed the specific needs of smallholders and identified them as “the single most important group of those who are food insecure in the world today.”<sup>17</sup> Among his recommendations to States Parties, the Special Rapporteur called on States to improve the protection of agricultural workers and to reinforce the bargaining power of smallholders.<sup>18</sup>

This was not the first time the Special Rapporteur addressed issues focused on supporting small hold farmers to produce food for local production and relying on their traditional

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<sup>12</sup> *Id.* at Chapter 3, Article 281, Paragraph 2.

<sup>13</sup> *Cordoba Declaration on the Right to Food and the Governance of the Global Food and Agricultural Systems*, Pursued at the Food Forum organized by the FAO Right to Food Unit in October 2008 (10 December 2008), available at: <http://www.fian.org/resources/documents/others/the-cordoba-declaration/pdf>

<sup>14</sup> *Id.*

<sup>15</sup> *People-Centred Resilience*, Oxfam Briefing Paper reports that “over 60 percent of hungry people are women.” (16 November 2009), available at: <http://www.oxfamamerica.org/files/people-centered-resilience-summary.pdf>

<sup>16</sup> Report of the Special Rapporteur on the right to food, supra note 3, A/HRC/13/33. (22 December 2009).

<sup>17</sup> *Id.* at para. 28.

<sup>18</sup> *Id.* at paras. (a) and (d).

knowledge – core principles of food sovereignty. In his 2008 report on the Right to Food, the Special Rapporteur stated that “investment should be guided by the need to promote sustainable forms of agricultural production, benefitting small-holders who are most in need of support, and where the impact of poverty alleviation will be greatest.”<sup>19</sup>

The Special Rapporteur’s recommendations are consistent with the findings of the International Assessment of Agricultural Knowledge, Science, and Technology for Development (IAASTD). In one of the most comprehensive assessments of agriculture and food security ever undertaken, the IAASTD calls for a radical – bottom- up – change of the global food system.<sup>20</sup> The IAASTD report supports “the need for dedicated support of smallholders” and recommends relying on “locally-based knowledge, innovations, policies, and investments.”<sup>21</sup>

Therefore, both the Special Rapporteur’s recommendations and the IAASTD’s findings support food sovereignty by recommending a transformation of the global food system by enhancing local control, sustainable practices, and local economies.<sup>22</sup>

Lastly, the FAO Voluntary Guidelines, whose purpose is to provide practical guidance to States in their implementation of the realization of the right to adequate food in the context of food security, supports food sovereignty. Guideline 15, which addresses international food aid, dictates donor States provide food aid in such a way that takes food safety into account and does not disrupt local food production. It also states that “donor States should ensure that their food aid policies support national efforts by recipient States to achieve food security ... targeting

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<sup>19</sup> Report of the Special Rapporteur on the right to food, *Building Resilience: A human rights framework for world food and nutrition security*, A/HRC/9/23 at para. 8 (8 September 2008).

<sup>20</sup> Annie Shattuck & Eric Holt-Gimenez, *Why the Lugar-Casey Global Food Security Act Will Fail to Curb Hunger*. (2009 April), available at: [http://www.foodfirst.org/files/pdf/PB\\_18\\_Lugar-Casey\\_Full\\_15Apr09.pdf](http://www.foodfirst.org/files/pdf/PB_18_Lugar-Casey_Full_15Apr09.pdf)

<sup>21</sup> Report of the Special Rapporteur on the right to food, A/HRC/9/23, supra note 19 at footnote 10 (explaining IAASTD’s findings).

<sup>22</sup> Jeffrey L. Kaloustian, *Land Grabbing for Food & Fuel Outsourcing: A Rising Threat to the Right to Food*, available at: <http://www.humanrightsadvocates.org/images/HRC10/Right%20to%20Food.pdf>

especially food insecure and vulnerable groups.”<sup>23</sup>

### III. PRACTICES THAT CAN UNDERMINE FOOD SOVEREIGNTY

#### A. Food Aid

Food aid transactions can be divided into three broad categories: relief food aid (also referred to as emergency food aid), project food aid, and program food aid. In assessing the potential to undermine food sovereignty, this paper focuses on the former and latter when it refers to “food aid,” unless if otherwise specified. Program food aid involves commodities provided directly to a recipient country or its agent, for sale on local markets, while emergency food aid is “targeted and freely distributed to victims of natural and manmade disasters.”<sup>24</sup>

In his report on the right to food, the Special Rapporteur, highlighted that States are required to comply with human rights principles when providing food aid, despite aid being a voluntary commitment.<sup>25</sup> These principles seek to ensure that food aid is used as a tool to achieve the realization of the right to adequate food.<sup>26</sup> A key point made by the Special Rapportuer is that a participatory process should be defined where the ultimate beneficiaries and farmers’ organizations are involved in the process of choosing what type of food aid is most desirable.<sup>27</sup> Such a process will not only ensure that local conditions are taken into account in the assessment of which type of food aid is most beneficial, but also, it will ensure that more attention gets paid to nutritional dimensions of food aid.<sup>28</sup>

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<sup>23</sup> FAO Voluntary Guidelines, 15.1.

<sup>24</sup> *Food Aid An Action Aid Briefing Paper*, ActionAid at p. 3 (2003 July), available at: [http://www.actionaid.org/docs/food\\_aid\\_briefing.pdf](http://www.actionaid.org/docs/food_aid_briefing.pdf)

<sup>25</sup> Report of the Special Rapporteur on the right to food, *The role of development cooperation and food aid in realizing the right to adequate food: moving from charity to obligation*, A/HRC/10/5, at paras. 6 and 41 (11 February 2009).

<sup>26</sup> *Id.* at para. 33.

<sup>27</sup> *Id.* at para. 34.

<sup>28</sup> *Id.*

According to the Committee on Economic, Social, and Cultural Rights, food aid should be based on the needs of the intended beneficiaries.<sup>29</sup> The Human Rights Council has encouraged States to “mainstream the human rights perspective” in their strategies for the realization of the right to food; for example, by establishing mechanisms and processes that will ensure participation by rights-holders in designing policies aimed at achieving the right to food.<sup>30</sup>

The Special Rapporteur on the right to food agrees that food aid must be needs-based if it is to be used as a means to implement the right to adequate food.<sup>31</sup> In an effort to ensure that aid is needs-based, the Special Rapporteur, has encouraged the international community to ask, “For whose benefit?” in order to analyze whether food aid is actually benefitting its intended recipients.<sup>32</sup>

In addressing a needs-based approach to food aid, the Special Rapporteur recommends objective evaluations of need, such as mapping of food vulnerability and insecurity, participation of recipient governments, and collaboration between governments.<sup>33</sup> The Special Rapporteur also stresses the importance of and requirement that aid be provided non-discriminatorily and condemns provisions of aid, which are influenced by political, strategic, commercial, or historically rooted interests of the donor.<sup>34</sup>

The FAO Voluntary Guidelines state that Donor States should ensure that their food aid policies support recipient State efforts to achieve food security. Assistance should not disrupt local food production, but rather donor States should promote the increased use of local markets

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<sup>29</sup> General comment 12, E/C.12/1999/5, supra note 1 at para. 39.

<sup>30</sup> Resolution by the Human Rights Council, A/HRC/RES/12/10 at para. 3 (12 October 2009).

<sup>31</sup> Report of the Special Rapporteur on the right to food, A/HRC/10/5, supra note 25 at para. 34.

<sup>32</sup> Report of the Special Rapporteur on the right to food, A/HRC/9/23 supra note 19 at para. 39.

<sup>33</sup> Report of the Special Rapporteur on the right to food, A/HRC/10/5, supra note 25 at paras. 16 and 34.

<sup>34</sup> *Id.* at para. 10.

to meet food needs. Furthermore, aid should be provided with a “clear exit strategy” to avoid creating dependency.<sup>35</sup> Instead of being a short term “fix,” food aid must take long-term rehabilitation and development goals into account.<sup>36</sup>

The Food Aid Convention (FAC), a separate legal instrument of the International Grains Council (an intergovernmental forum for cooperation on wheat and coarse grain matters), also adheres to the spirit of the FAO Guidelines. The purpose of the FAC is to “contribute to world food security and to improve the ability of the international community to respond to emergency food situations and other food needs of developing countries.”<sup>37</sup> The FAC highlights the importance of evaluating the needs of recipient countries when providing food aid and using a needs-based approach as a means to enhance food security in recipient countries.<sup>38</sup>

The FAO Guidelines are clear as to action donor States should take in providing food assistance, which is in accordance with States’ obligations to respect, protect, and fulfill the human right to food. However, the failure of States to act in accordance with FAO Guidelines and Members of the FAC to adhere to its principles often results in the threat to food sovereignty in recipient countries.

If food aid is going to be used as a tool to achieve the realization of the right to adequate food, it must be provided in a way that does not undermine local food production and local markets.<sup>39</sup> Food aid should have the goal of lessening, not strengthening, dependency on donor States. In order to provide a better understanding of this crucial point, the paper now turns to specific examples demonstrating just that.

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<sup>35</sup> FAO Voluntary Guidelines, 15.1.

<sup>36</sup> FAO Voluntary Guidelines, 15.4 .

<sup>37</sup> Food Aid Convention, Article 1.

<sup>38</sup> Food Aid Convention, Article VIII.

<sup>39</sup> General Comment 12, supra note 1, at para. 39.

## a. Haiti

Thirty years ago Haiti grew all the rice it needed, however, local rice farmers could not compete with highly subsidized rice and other grains from the U.S. that flooded the Haitian market.<sup>40</sup> U.S. food aid to Haiti, which is laced with conditionalities, ends up benefitting U.S. corporate interests.<sup>41</sup> One such conditionality was placed by the IMF for Haiti to open imports of highly subsidized U.S. rice, while at the same time banning Haiti from subsidizing its own farmers.<sup>42</sup> The US Department of Agriculture 2008 figures show that Haiti is the third largest importer of U.S. rice.<sup>43</sup>

As a result of increased imports, which grew from zero to 200,000 tons a year between 1980 and 1997, Haitian farmers were forced off their land to seek work elsewhere such as in sweatshops.<sup>44</sup> Exporting food maybe profitable for the exporting country, but when their land is capable of producing adequate food, it is a disaster to the importing countries.<sup>45</sup> Instead of investing money on imported food, it is reported that a country that invests in the local economy will add money to its country's gross national product (the multiplier effect).<sup>46</sup> As the Haiti example demonstrates, "cheaper imports on developing countries pushes small farmers out of production thereby accentuating unemployment and hunger."<sup>47</sup>

While every donor State has the responsibility to ensure that aid does not destroy the

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<sup>40</sup> Bill Quigley, *30 Years Ago Haiti Grew All the Rice It Needed. What Happened? The US Role in Haiti's Food Riots* (21 April 2008), available at: <http://www.counterpunch.org/quigley04212008.html>

<sup>41</sup> Mark Schuller, *Haitian Food Riots Unnerving But Not Surprising* (29 April 2008), available at: <http://www.worldpress.org/Americas/3131.cfm>

<sup>42</sup> Anuradha Mittal, *Industrial Agriculture: Land, Loss, Poverty and Hunger*, International Forum on Globalization Bulletin (3 December 2001), available at: [http://www.ifg.org/pdf/hunger&pov-anuradha.pdf\\_1.pdf](http://www.ifg.org/pdf/hunger&pov-anuradha.pdf_1.pdf)

<sup>43</sup> U.S. Dept. of Agriculture 2003/2004, <http://www.american.edu/TED/haitirice.htm>,

<sup>44</sup> *Land, Loss, Poverty and Hunger*, supra note 42.

<sup>45</sup> J.W. Smith, *The World's Wasted Wealth 2* at p. 66. (1994), available at: <http://www.books.google.com>

<sup>46</sup> *Id.* at p. 127.

<sup>47</sup> Dr. Devinder Sharma, *U.S. Farm Bill 2007 Cat Amongst Pigeons* (12 September 2007), available at: <http://www.stwr.org/food-security-agriculture/us-farm-bill-2007-cat-among-pigeons.html>

livelihoods of the poor, the U.S. bears an even greater responsibility as the world's largest donor of food aid. First, the U.S. is the only donor State that sells 'food aid' to developing countries instead of providing it in grant form.<sup>48</sup> It is also one of the major donors that distributes food aid bilaterally, i.e. only taking into account the roles of the two governments: recipient and donor. Other countries channel the aid through international organizations such as the World Food Program.<sup>49</sup> Further, it is the only donor State that requires virtually all food aid contributions to be in the form of U.S. commodities.<sup>50</sup> It is reported that "90 percent of all food aid is provided in commodities rather than cash."<sup>51</sup> In Haiti, the requirement that rice be bought from U.S. rice farmers, processed and bagged in the U.S., and shipped on U.S. vessels means that an estimated 50 percent of aid money goes directly back to the U.S. economy.<sup>52</sup>

Shifting specifically to emergency food aid, the recent devastation in Haiti demonstrates the need to use food aid effectively to help those in need. It is reported that relief organizations continue to struggle to get enough food delivered to the hundreds of thousands and hungry people – "and many haven't even been reached."<sup>53</sup> Nearly 500,000 have migrated to the rural part of the country since the quake.<sup>54</sup> While delivery of adequate food and other forms of assistance are critical to Haiti's population, it is equally important to increase local food production. The upcoming planting season is in March and accounts for 60 percent of national

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<sup>48</sup> Oxfam International, *Food Aid or Hidden Dumping?*, (2005 March) available at: <http://www.farmingsolutions.org/pdfdb/oxfamreportUS.pdf>

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.* at p. 2.

<sup>52</sup> *Supra* note 38.

<sup>53</sup> David Schaper *New Program for Food Aid in Haiti Targets Women* (1 February 2010), available at: <http://www.npr.org/templates/story/story.php?storyId=123202099>

<sup>54</sup> Food and Agricultural Organization of the United Nations, *Haiti Earthquake*, available at: <http://www.fao.org/haiti-earthquake/en/>

food production.<sup>55</sup> Therefore, short-term needs of providing food aid are just as integral as long-term goals of agricultural investment and natural resources management.

#### **b. Mexico**

During the mid 1980's, 84 percent of U.S. agricultural exports to Latin American were given to the local governments to sell to the people.<sup>56</sup> As a result, local producers were not able to sell as much as their products, markets were destroyed, and production was reduced.<sup>57</sup> In Mexico, due to the large amounts of heavily subsidized corn imports from the U.S., allowed by the Mexican government, over two million corn farmers were put out of business.<sup>58</sup>

This example demonstrates that it is not just the food aid donors, but also recipient governments that are duty bearers with respect to food aid. The Special Rapporteur has argued that a human rights framework for food aid would improve the quality of aid, thereby contributing to the realization of the right to food.<sup>59</sup> In the case of Mexico, the Mexican government's role in addition to the ultimate beneficiaries of food aid should be part of this human rights framework. The Special Rapporteur describes this human rights framework as one that shifts from a bilateral relationship between governments, into a triangular one where the local people of recipient counties – the beneficiaries – participate in the implementation and evaluation of the aid.<sup>60</sup>

#### **c. Kenya**

Food aid has also undermined food sovereignty in African counties. Kenya was self-sufficient in food production up until the 1980's.<sup>61</sup> By 2001, Kenya imported 80 percent of its

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<sup>55</sup> *Id.*

<sup>56</sup> *The World's Wasted Wealth 2*, supra note 45 at p. 66.

<sup>57</sup> *Id.*

<sup>58</sup> *Land, Loss, Poverty and Hunger*, supra note 42

<sup>59</sup> A/HRC/10/5 at para. 11, supra note 23.

<sup>60</sup> *Id.* at para. 26.

food.<sup>62</sup> In 1992, European Union (E.U) wheat was sold in Kenya for 39 percent cheaper than the price paid to European farmers by the E.U.<sup>63</sup> It was 50 percent cheaper in 1993.<sup>64</sup> As imports of EU grain increased, “Kenyan wheat prices collapsed through oversupply and led to the undermining of local production and creating poverty.”<sup>65</sup>

Moreover, it has been reported that heavily subsidized American farm products, which are donated to charity organizations, are then sold on the market, which compete with the crops of struggling local farmers.<sup>66</sup> The practice of “dumping” food from a surplus country to a deficit one does not meet State’s obligation to fulfill the right to food.<sup>67</sup>

These examples aim to demonstrate some of the deleterious effects of food aid in certain countries and the need for States to reconsider the ways in which they have provided aid in the past. The current trade-negotiation round of the World Trade Organization, the Doha Development Round, has the unique opportunity to protect the livelihoods of the poor and farm sector by eliminating agricultural dumping, while at the same time reforming trade policies with respect to food aid.<sup>68</sup>

With drastic climate changes particularly affecting Africa and Asia, it is even more crucial than ever to support food sovereignty. Empowering vulnerable small-scale farmers by agro-ecological practices, will improve food security, provide greater control to farmers’ lives,

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<sup>61</sup> *Land, Loss, Poverty and Hunger*, supra note 42.

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> Celia W. Dugger, *CARE Turns Down Federal Funds for Food Aid* (16 August 2007), available at: [http://www.nytimes.com/2007/08/16/world/africa/16food.html?\\_r=1](http://www.nytimes.com/2007/08/16/world/africa/16food.html?_r=1)

<sup>67</sup> *Food Aid or Hidden Dumping?*, supra note 48.

<sup>68</sup> *Id.* at p. 3.

and decrease the risk of crop failure or livestock death due to climate shocks.<sup>69</sup> It is estimated that preventing crop failure through agricultural investment costs about one-fifteenth as much per person as sending food aid to hungry people once farm production collapses.<sup>70</sup>

## **B. Large-Scale Land Acquisitions and Leases**

Large-scale land acquisitions and leases, also referred to as “land grabbing,” is another practice which undermines food sovereignty. This practice is the acquisition of fertile land for outsourced food and fuel production, which has been occurring at an astounding pace across the globe.<sup>71</sup> The land grab trend continues through the concerted actions of public and private actors implementing policies and investment strategies aimed at snatching up foreign farmlands for export-oriented agriculture. The International Food Policy Research Institute (IFPRI) estimates that 15 to 20 million hectares, mostly in Africa and Asia, have recently been bought, leased, or have been under negotiation.<sup>72</sup>

Although these land grab deals often employ “win-win” language by securing benefits for “target nations” in the form of infrastructure improvements and in the name of “food security,” this massive-scale food outsourcing results in the perpetuation of industrialized agriculture, environmental degradation, and the displacement of small-hold farmers and indigenous peoples.<sup>73</sup> The detrimental effects of land grabbing are felt by the impoverished people of target nations who give up control to substantial amounts of fertile land and who are food insecure themselves.

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<sup>69</sup> *People-Centred Resilience*, supra note 15.

<sup>70</sup> *Id.* at p. 3

<sup>71</sup> Grain Briefing, *Seized!, The 2008 Land Grab for Food and Financial Security* (2008 October), available at: [http://www.grain.org/briefings\\_files/landgrab-2008-en.pdf](http://www.grain.org/briefings_files/landgrab-2008-en.pdf)

<sup>72</sup> CGIAR Joins Global Farmland Grab (2009 September), available at: <http://farmlandgrab.org/7383>

<sup>73</sup> Human Rights Advocates, *Land Grabbing for Food Outsourcing: A Rising Threat to the Right to Food*, A/HRC/10/NGO/45, at paras. 4 and 6 (25 February 2009).

The list of “target nations” includes: Brazil, Uganda, Cambodia, Burma, the Philippines, Ukraine, Sudan, Russia, Thailand, Tanzania, Cameroon, Madagascar, Pakistan, Kazakhstan, Laos, Malawi, Senegal, Nigeria, and Paraguay, all of which have ceded control of substantial amounts of fertile lands to foreign investors.<sup>74</sup> The pace and scale at which the land grab trend is taking place will inevitably translate into villagers, small-hold farmers, and entire communities losing access to land for local food production.

The Special Rapporteur addressed large-scale land acquisitions and leases in the addendum of his most recent report, and proposed a set of core human rights principles and measures for target nations and investors.<sup>75</sup> While the proposed principles are minimal and do not necessarily justify a large-scale acquisition in land, they include: a call on governments to perform a participatory impact assessment prior to the conclusion of such agreements and to carefully examine the opportunity costs involved in ceding land to an investor.<sup>76</sup> The SR concluded that it is “vital” for States to comply with certain procedural requirements, such as “informed participation of the local communities” and not to trump the human rights obligations of the States involved.<sup>77</sup>

#### **IV. CONCLUSION**

As a result of using ‘food aid’ to bolster the economy of donor States, whether that takes the form of essentially “dumping” surplus products in a recipient State or using food aid as a tool to control the price of commodities such as wheat in the world market, the effect devastates local markets and local production. Local farmers cannot compete with the prices of cheap products and end up losing business.

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<sup>74</sup> *Supra* note 71 at p. 9.

<sup>75</sup> Report of the Special Rapporteur on the right to food, A/HRC/13/33/Add.2 (28 December 2009).

<sup>76</sup> *Id.* at para. 9.

<sup>77</sup> *Id.* at p. 15.

Not only does food aid resulting in this type of harmful impact undermine food sovereignty, but it also contradicts with the human rights framework of the right to food. If food aid undermines local markets, threatens the business and production of small scale farmers, and creates dependency to donor States, then that food aid is not based on the needs of the intended beneficiaries. Food aid resulting in a threat to food sovereignty does not adhere to FAO Guidelines and violates international human rights standards. The Council has stated that “States should make every effort to ensure that their international policies of a political and economic nature, including international trade agreements, do not have a negative impact on the right to food in other countries.”<sup>78</sup> In other words, practices where food aid directly results in the threat of the recipient country’s economy and ability to produce its own food, act against food sovereignty and the realization of the right to food for all.

Supporting food sovereignty as a sustainable solution to achieving the right to food for all is akin to supporting a human rights approach to the right to food. By looking to food sovereignty as the most viable path to the realization of the right to food, the interests of small scale farmers are protected, while at the same time building farm resilience, increasing local production, creating more jobs, and cutting down on hunger.

In his February 2009 report to the Human Rights Council on the right to food, the SR argued that a human rights framework for food aid should be adopted since it would improve the quality of aid, and therefore contribute to the realization of the right to food. When food assistance is given without following a human rights framework, food security and sovereignty are inevitably undermined. Furthermore, the land grab trend must be recognized as a threat to food sovereignty, and thus to the equitable and sustainable realization of the right to food for all.

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<sup>78</sup> Resolution on the right to food, A/HRC/RES/10/12 at para. 20 (26 March 2009).