

This year FIAN International celebrates 25 years supporting the struggle for the human right to adequate food. As one of the first organizations to pioneer the defense of economic, social and cultural rights, FIAN’s vision remains a world in which every person fully enjoys their right to adequate food in dignity. The urgency of this mandate has since grown, with global food shortages and nearly one billion people suffering from grave undernourishment.

This edition of the *Right to Food Quarterly* opens with a feature by the UN Special Rapporteur on the Right to Food, Olivier de Schutter, who presents a convincing argument that agroecological modes of production can help to address global inequalities in food supply.

For potential solutions to the food crisis to be realized, blatant violations of rights to food must be recognized and prevented. Two reports on forced eviction and land-grabbing in Uganda and Brazil provide examples of the injustices that occur, and the measures to be taken.

Both these cases, mired in legal battles and bureaucratic red-tape, beg questions of accountability. Our piece on John Ruggie’s ‘Guiding Principles’ for transnational companies reveals the cracks in international regulatory frameworks that permit violations of the right to food globally.

The human rights obligations of governments towards their own citizens are examined in a report on the impact of Germany’s Hartz IV welfare reforms on

two highly vulnerable groups – children and asylum seekers.

Encouragingly, civil society is responding in strategic and meaningful ways to many of the challenges, as shown by two relevant events held in April – a workshop on the criminalization of human rights defenders in Brussels and a conference on land-grabbing at University of Sussex.

We hope to leave you informed and inspired, and welcome you to join us in celebrating our 25th birthday.

*Wilma Strothenke*  
*FIAN International*

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# RIGHT TO FOOD QUARTERLY



## 2 Agroecology, A Tool for the Realization of the Right to Food

by Olivier de Schutter

The reinvestment in agriculture, triggered by the 2008 food price crisis, is essential to the concrete realization of the right to food. However, in the context of ecological, food and energy crises the most pressing issue regarding reinvestment is not how much, but how. Our feature article explores how agroecology, understood as the application of the science of ecology to agricultural systems, can result in modes of production that are highly productive, highly sustainable and that contribute to the alleviation of rural poverty and, thus, to the realization of the right to food.

### AGRICULTURE IS AT A CROSSROADS

For almost thirty years, since the early 1980s, neither the private sector nor governments were interested in investing in agriculture. This is now changing. Over the last few years, agri-food companies have seen an increase in direct investment as a means to lower costs and ensure the long-term viability of supplies (Reardon and Berdégue 2002; Reardon et al. 2007; Reardon et al. 2009). The global food price crisis of 2007-2008 also pushed governments into action. In July 2009, the G8 Summit in L'Aquila produced a Food Security Initiative, promising to mobilize US\$20 billion to strengthen global food production and security and the Global Agriculture and Food Security Program (GAFSP) was established as a multilateral financing mechanism to help implement these pledges. Governments are paying greater attention to agriculture than in the past.

However, investments that increase food production will not make significant progress in combating hunger and malnutrition if not combined with higher incomes and improved livelihoods for the poorest – particularly small-scale farmers in developing countries. And short-term gains will be offset by long-term losses if they lead to further degradation of ecosystems, thereby threatening our future ability to maintain current levels of production. The question therefore is not simply *how much*, but also *how*. Pouring money into agriculture will not be sufficient. We need to take steps that facilitate the transition towards a low-carbon, resource-preserving type of agriculture that benefits the poorest farmers.

Agroecology can play a central role in achieving this goal. It is possible to significantly improve agricultural productivity where it has been lagging behind, and thus to raise production where it most needs to be raised – in poor, food-deficient countries – while at the same time improving the livelihoods of small holder farmers and preserving ecosystems. This would slow the trend towards urbanization in the countries concerned and reduce stress on their public services. It would contribute to rural development and preserve the ability for the succeeding generation to meet its own needs. It would also contribute to the growth of other sectors of the economy by stimulating demand for non-agricultural products that would result from higher incomes in rural areas.

### THE DIAGNOSIS

Since the global food price crisis most attention has been focused on increasing overall production, consistent with classic Green Revolution approaches. The crisis has been seen as resulting from a mismatch between supply and demand; as a gap between slower productivity growth and increasing needs. A widely cited estimate is that, taking into account demographic growth as well as changes in the composition of diets and

consumption levels associated with increased urbanization and higher household incomes, the overall increase in agricultural production should reach 70 per cent by 2050 (Burney et al. 2010).

We should treat this estimate with caution. Firstly, it takes the current demand curves as given. At present, nearly half of the world's cereal production is used to produce animal feed and meat consumption. This is predicted to increase from 37.4 kg/person/year in 2000 to over 52 kg/person/year by 2050, so that by mid-century 50 per cent of total cereal production may have to go to increasing meat production (FAO 2006a). Therefore, the reallocation of cereals used in animal feed to human consumption, an option highly desirable in developed countries where the excess animal protein consumption is a source of public health problems<sup>1</sup>, combined with the development of alternative feeds based on new technology<sup>2</sup>, waste and discards, could go a long way towards meeting the increased needs (Keyzer et al. 2005).

Secondly, waste in the food system is considerable. For instance, the total amount of fish lost through discards, post-harvest loss and spoilage may be around 40 per cent of landings (Akanke and DieiOuadi 2010). Food losses in the field (between planting and harvesting) may be as high as 20 to 40 per cent of the potential harvest in developing countries due to pests and pathogens. Post-harvest losses, resulting from poor storage and conservation, average at least to 12 per cent and rise to up to 50 per cent for fruits and vegetables (UNEP 2009: 30-31).

Thirdly, even though food availability may have to increase the focus on increasing production should not obfuscate the fact that hunger today is mostly attributable not to stocks that are too low or to global supplies unable to meet demand, but to poverty. Increasing the incomes of the poorest is the best way to combat it. We need to invest in agriculture, not only in order to match growing needs, but also in order to reduce rural poverty by raising the incomes of small-scale farmers. Only by supporting small producers can we help break the vicious cycle that leads from rural poverty to the expansion of urban slums, in which poverty breeds more poverty.

Fourth and finally, agriculture must not compromise its ability to satisfy future needs. The loss of biodiversity, unsustainable use of water, and pollution of soils and water are issues which compromise the continuing ability of natural resources to support agriculture. Climate change, manifested in more frequent and extreme weather events such as droughts, floods and less predictable rainfall, is already having a severe impact on the ability of certain regions and communities to maintain self-sufficiency – and it is destabilizing markets. The change in average temperatures is threatening the ability of entire regions, particularly those reliant on rain-fed agriculture, to maintain levels of agricultural production (Stern Review 2007: 67). Less fresh water will be available for agricultural production and rising sea levels are already causing the salinization of water in certain coastal areas, making water sources unsuitable for irrigation purposes.

The current path of agricultural development is exacerbating this situation. Agriculture currently accounts for at least 13-15 per

<sup>1</sup> In developing countries, the consumption of meat is much lower, and meat can be an important source of proteins important for child development (Neumann et al. 2007).

<sup>2</sup> Such as glucose from the degradation of cellulose, a technology that is currently being developed.

cent of global man-made greenhouse gas (GHG) emissions. It is especially GHG-intensive in the developed countries, where agriculture is more highly mechanized and relies heavily on synthetic fertilizers. Agriculture is on a path towards becoming more carbon-intensive. Without a substantial change in policies, the GHG emissions from agriculture could rise by 40 per cent by 2030 (Smith et al. 2007).

Agroecology is seen as one way to address these considerable challenges. It is now recognized by an increasingly wide range of experts within the scientific community as a way to improve the resilience and sustainability of food systems (IAASTD 2008: Key Finding 7; Wezel et al. 2009a). This view is supported by international agencies such as the United Nations Food and Agriculture Organisation (FAO) and Bioversity International (FAO and Bioversity International 2007), and the United Nations Environmental Programme (UNEP 2005). It is also gaining ground in countries as diverse as the United States, Brazil, Germany and France (Wezel et al. 2009b).

### THE CONTRIBUTION OF AGROECOLOGY

Agroecology has been defined as the “application of ecological science to the study, design and management of sustainable agroecosystems” (Altieri 1995 ; Gliessman 2007). It seeks to enhance agricultural systems by mimicking or augmenting natural processes, thus enhancing beneficial biological interactions and synergies among the components of agrobiodiversity (Altieri 2002). Common principles of agroecology include recycling nutrients and energy on a farm rather than augmenting with external inputs; integrating crops and livestock; diversifying species and genetic resources in the agroecosystems over time and space, from the field to landscape levels; and focusing on interactions and productivity across the agricultural system rather than focusing on individual species. Agroecology is highly knowledge-intensive, based on techniques that are not delivered top-down but developed on the basis of farmers’ knowledge and experimentation<sup>3</sup>. Agroecological practices require diversification of the tasks on the farm in combination with diversity of species, including animals.

A panoply of techniques based on this perspective has been developed and tested with success in a range of regions (Pretty 2008). *Integrated nutrient management* reconciles the need to fix nitrogen within farm systems with the import of inorganic and organic sources of nutrients and the reduction of nutrient losses through erosion control. *Agroforestry* incorporates multifunctional trees into agricultural systems. *Water harvesting* in dryland areas allows for the cultivation of formerly abandoned and degraded lands, and improves the water productivity of crops. The *integration of livestock* such as dairy cattle, pigs and poultry, in zero-grazing cut and carry systems for example, provides a source of protein to the family as well as a means of fertilizing soils as does the incorporation of fish, shrimps and other aquatic resources into systems such as irrigated rice fields and fish ponds. These approaches involve the maintenance or introduction of agricultural biodiversity (the diversity of crops, livestock, agroforestry, fish, pollinators, insects, soil biota and other components that occur in and around production systems)

3 Modern science combines with local knowledge in agroecological research. In Central America for instance, the coffee groves grown under high-canopy trees were improved by the identification of the optimal shade conditions minimizing the entire pest complex and maximizing the beneficial microflora and fauna while maximizing yield and coffee quality (see Staver et al. 2001).

to achieve the desired results in production and sustainability. Resource-conserving, low-external-input techniques have a huge yet still largely untapped potential to address the combined challenges of production, of combating rural poverty and contributing to rural development - and of preserving ecosystems and mitigating climate change.

### 1. Agroecology as a response to the question of supply

Agroecological techniques have a proven potential to significantly improve yields. Jules Pretty et al. (2006) compared the impacts of 286 recent sustainable agriculture projects in 57 poor countries covering 37 million ha (three percent of the cultivated area in developing countries). They found that such interventions increased productivity on 12.6 millions farms, with an average crop increase of 79 per cent, while improving the supply of critical environmental services<sup>4</sup>. The most recent large-scale study points towards the same conclusions. Research commissioned by the UK Government’s Foresight Global Food and Farming Futures project reviewed 40 projects in 20 African countries where sustainable intensification has been developed during the 2000s<sup>5</sup>.

### 2. Agroecology’s ability to increase the incomes of small-scale farmers

One advantage of agroecology is its reliance on locally produced inputs. Many African soils are nutrient-poor and heavily degraded, and they need replenishment. But supplying nutrients to the soil can be done not only by applying mineral fertilizers, but also by applying livestock manure or by growing green manures. Farmers can also establish what has been called ‘a fertilizer factory in the fields’ by planting trees that take nitrogen out of the air and ‘fix’ it in their leaves, which are subsequently incorporated into the soil (World Agroforestry Centre 2009: 10). Agroecology diminishes the dependence of farmers on access to external inputs, and thus on subsidies, the local retailer of fertilizers or pesticides, and the local moneylender. Diversified farming systems produce their own fertilizers, and their own pest control, thus diminishing need for pesticides (Altieri and Nicholls 2004). The availability of adapted seeds, planting materials and livestock breeds presents multiple advantages for the farmer and ensures the availability of the required diversity of naturally occurring fertilization and pest management processes in major crops such as maize, rice, millet, sorghum, potato and cassava (UN Special Rapporteur on the Right to Food 2009). This is particularly beneficial to small-scale farmers – especially women – with little or no access to credit and no capital, and for those without access to fertilizer distribution systems - the private sector is unlikely to invest into the most remote areas where communication routes are poor and where few economies of scale can be achieved.

### 3. Agroecology contributes to rural development - and to other sectors of the economy

Agroecology contributes to rural development because it is relatively labour-intensive and is most effectively practised on relatively small plots of land. The launching period is particularly labour-intensive because of the complexity of managing

4 The 79 percent figure is for the 360 reliable yield comparisons from 198 projects. There was a wide spread in results, with 25% of projects reporting a 100% increase or more.

5 Not all these projects, it should be added, comply fully with the principles of agroecology.

different plants and animals on the farm and of recycling the waste produced, but the effort required diminishes significantly in the longer term<sup>6</sup>. The relatively high labour-intensity of sustainable farming, in comparison with industrial methods, has often been seen as a liability. Yet, while labour-saving policies have generally been prioritized by governments, the creation of employment in rural areas in developing countries may in fact constitute an advantage, since under-employment is currently massive and demographic growth remains high in many countries. There is an urgent need to slow down rural-urban migration as the industrial and services sectors appear unable to absorb the excess labour. Growth in agriculture can be especially beneficial to other sectors of the economy if it is broad-based and increases the incomes of a large number of farming households. The alternative leads to a further concentration of incomes in the hands of relatively large landowners relying on large-scale, heavily mechanized plantations.

#### 4. Agroecology's contribution to improving nutrition

Green Revolution approaches in the past have focused primarily on boosting cereal crops (rice, wheat and maize) in order to avoid famines. However, these crops are mainly a source of carbohydrates. They contain relatively little protein, and few of the other nutrients essential for adequate diets. The shift from diversified cropping systems to simplified cereal-based systems thus contributed to micronutrient malnutrition in many developing countries (Demment et al. 2003). Of the 80,000 plant species available to humans, only three (maize, wheat and rice) supply the bulk of our protein and energy needs (Frison et al. 2006). Nutritionists are increasingly insisting on the need for more diverse agro-ecosystems, in order to ensure a more diversified nutrient output from farming systems (Alloway 2008; DeClerck et al. 2011). The diversity of species in farms, urban and peri-urban agriculture managed following agroecological principles is an important asset in this regard.

#### 5. Agroecology and climate change

Agroecology can support agriculture's provision of a number of services to ecosystems by providing a habitat for wild plants; by supporting genetic diversity and pollination; and by contributing to water supply and regulation. It also improves resilience to climate change. Climate change means more extreme weather-related events. The use of agroecological techniques can significantly cushion the negative impacts of such events, strengthening resilience through the use and promotion of agricultural biodiversity at ecosystem, farm system and farmer field levels (Platform for Agrobiodiversity Research 2010). Agroecology also puts agriculture on the path of sustainability by liberating food production from reliance on fossil energy (oil and gas). Furthermore, it contributes to mitigating climate change by increasing carbon sinks in soil organic matter and above-ground biomass, and by reducing carbon dioxide and other GHG emissions through lower direct and indirect energy use.

#### SCALING UP AGROECOLOGY

There is a clear need for an urgent reorientation of agricultural development towards systems that use fewer external inputs linked to fossil energies and instead use plants, trees and ani-

mals in combination – mimicking nature instead of industrial processes at the field level. In moving towards more sustainable farming systems time is the greatest limiting factor: whether or not we will succeed will depend on our abilities to learn faster from recent innovations and to disseminate the knowledge of what works more widely. Governments have a key role to play in this regard. Encouraging a shift towards sustainable agriculture implies transition costs, since farmers must learn new techniques that move away from current systems, which are more specialized, less adaptive and have a lower innovation capacities (Pretty 2008). In order to succeed in implementing such a transition we should base the spread of agroecology on the farmers themselves, its main beneficiaries, and encourage learning from farmer to farmer, in farmer field schools or through farmers' movements, as in the Campesino-a-Campesino movement in Central America and Cuba (Degrande et al. 2006 : 6; Holt-Giménez 2006; Rosset et al. 2011).

An improved dissemination of knowledge by horizontal means transforms the nature of knowledge itself. Knowledge becomes the product of a network (Warner and F. Kirschenmann 2007). Farmers, particularly small-scale farmers living in the most remote areas and those working with the most marginal soil, should be encouraged to identify innovative solutions and work with experts towards a co-construction of knowledge, ensuring that advances will benefit them as a matter of priority, rather than only benefiting the better-off producers (Uphoff 2002: 255). This is key for the realization of the right to food. Firstly, it enables public authorities to benefit from the experience and insights of the farmers. Rather than treating smallholder farmers as beneficiaries of aid, they should be seen as experts with knowledge that is complementary to formalized expertise. Secondly, their participation can ensure that policies and programmes are truly responsive to the needs of vulnerable groups, who will question projects that fail to improve their situation. Thirdly, participation empowers the poor – a vital step towards poverty alleviation, because lack of power is a source of poverty. Marginal communities often receive less support than the groups that are better connected to government. Poverty exacerbates this lack of power, creating a vicious cycle of further disempowerment. Fourth, policies that are co-designed with farmers have a high degree of legitimacy and thus favour better planning of investment and production; they are also more likely to be adopted by other farmers (FAO-IIED 2008). Participation of food-insecure groups in the policies that affect them should become a crucial element of all food security policies - from policy design, to the assessment of results, to decisions on research priorities. Improving the situation of millions of food-insecure peasants indeed cannot be done without them.

*Olivier de Schutter is the UN Special Rapporteur on the Right to Food. This article is a summary of his Report to the 16th session of the Human Rights Council (UN doc. A/HRC/16/49).*

The full report, including the complete list of references made in this summary, is available at [http://www.srfood.org/images/stories/pdf/officialreports/20110308\\_a-hrc-16-49\\_agroecology\\_en.pdf](http://www.srfood.org/images/stories/pdf/officialreports/20110308_a-hrc-16-49_agroecology_en.pdf)

<sup>6</sup> See Ajayi et al. 2010: 279 (research on agroforestry in Zambia does not support 'the popular notion that agroforestry practices are more labour intensive').

by *Giovanna Tejjido Vazquez*

On the 28th of April 2011 Brussels was the venue for a workshop on the criminalization of human rights defenders in connection with the activities of transnational companies (TNCs), and on the violation of social, economic and cultural rights in Latin America. This event was co-organized by the NGO networks and international organisations International Alliances of Catholic Development Agencies (CIDSE), Copenhagen Initiative for Central America (CIFCA), FIAN International, the Observatory for the Protection of Human Rights Defenders<sup>1</sup> and Peace Brigades International (PBI). Around 10 international organizations actively participated in the workshop including Amnesty International, European Coalition for Corporate Justice, Transnational Institute, Bread for the World and World Solidarity.

Several civil society networks, human rights organizations, experts from the UN system and the Inter-American Commission on Human Rights have expressed concerns regarding the increased criminalization of defenders of social, economic and cultural rights, and the human rights violations committed against them, in conflicts involving TNCs. National and multinational companies' activities often affect the communities in regions where they carry out their economic activity, particularly where the control of natural resources is at stake. Investment projects, in particular those characterized by a lack of due consultation and those with negative environmental and/or social impacts, often trigger peaceful and legitimate opposition activities. These activities are often repressed by the authorities, which use the judicial system to criminalise human rights defenders.

On the basis of this common concern, the Brussels workshop was organized with the common goal of elaborating an advocacy strategy with short, medium and long term objectives, which would contribute to the strengthening of human rights defenders' protection in this context.

The workshop was divided into three sessions. The first panel comprised Latin American human rights defenders and lawyers who shared their analysis and systematization of concrete cases of the criminalization of human rights defenders in relation to TNC projects and activities in Colombia, Guatemala, Ecuador and Peru. The speakers of this panel were: Alirio Uribe, from Columbia's José Alvear Restrepo Lawyers' Collective (*Colectivo de Abogados José Alvear Restrepo - CCAJAR*)<sup>2</sup>; Carmela Curup, from the Association of Mayan Lawyers of Guatemala (*Asociación de Abogados Mayas de Guatemala*)<sup>3</sup> and Mar Perez, from the National Human Rights Platform in Peru (*Coordinadora Nacional de Derechos Humanos en Perú*)<sup>4</sup>. One invitee, Carlos Perez from the Federation of Indigenous and Campesino Organisations of Azuay (*Federación de Organizaciones Indígenas y Campesinas del Azuay - FOA*)<sup>5</sup> in Ecuador, was refused a visa for the workshop so his presentation was

given by one of the event organizers, Geraldine McDonald from CIDSE. It is believed Dr Perez's visa was refused due to the fact that he is being criminalized.

The second panel addressed the legal loopholes and institutional gaps in human rights protection in cases of criminalization and discussed participants' experiences in developing initiatives to strengthen these protections. This panel featured Olivier de Schutter, UN Special Rapporteur on the Right to Food; Dolores Infante, from the Office of the UN Special Rapporteur on the Situation of Human Rights Defenders and Angelita Baeyens, from the Office of the Inter-American Rapporteur on the Situation of Human Rights Defenders.

In the third session the participants were divided into three working groups with the aim of elaborating short-term strategies to apply in cases of criminalization. They then focused on medium-term initiatives that can contribute to the development and/or enforcement of legislative and administrative measures as well as mechanisms for protection of human rights defenders.

The criminalization of human rights defenders in the context of peaceful protests against TNCs has many dimensions. Firstly, corporations are granted high level of impunity at all stages of the criminalization process. Human rights defenders are put at risk when the law sanctions human rights work but fails to punish those who threaten or attack defenders. Secondly, defenders can be harassed, arbitrarily detained, tortured and slandered. They can become the target of armed groups or individuals (both public and private actors) and can be killed or disappeared. Thirdly, defenders may be suspended from their employment and denied of freedom of movement. In addition they often experience serious difficulties in obtaining legal recognition for their organizations. Finally, TNCs participate in criminalization in both direct and indirect ways. Sometimes they directly denounce human rights defenders while in others they allow and encourage other parties to criminalise on their behalf. It can be difficult for defenders to provide clear evidence of how this happens.

The workshop participants agreed that the most effective lessons on criminalization come from the organizations which have to deal with its effects on a daily basis. There are also a few cases in which national and international law has been effectively used which can establish precedents. In the short term it was agreed that organizations attending the workshop should exchange materials, guidelines, databases, strategies and tactics which have been successfully used against criminalization of human rights defenders. Furthermore, it was agreed to continue to increase the visibility of cases of criminalization through letters to authorities and launch a campaign against the criminalization of human rights defenders, featuring case studies. The participants have committed to work on and develop medium and long term strategies to ensure that TNCs operate in a socially responsible manner, and are liable, domestically, for violations of human rights international standards that they commit abroad.

*Giovanna Tejjido Vazquez is a human rights activist who has collaborated with Peace Brigades International in the Guatemala project and currently works for the Copenhagen Initiative for Central America and Mexico in Brussels.*

1 A joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH).

2 CCAJAR, a Colombian non-governmental human rights organization, is recognized nationally and internationally for representing emblematic cases of human rights in Colombia, within Colombia and before the Inter-American System. The organization has also participated in the October 2010 Ruggie consultation in Geneva.

3 This Association provides indigenous persons and campesinos with technical, legal and scientific expertise and advice, and also works with indigenous communities to build their capacity to promote and protect their individual and collective rights.

4 The National Human Rights Platform in Peru promotes human rights through education, advocacy and media strategies.

5 The FOA defends the rights of indigenous peoples and campesinos in the province of Azuay in Ecuador. The organization is a member of the Observatory of Mining Conflicts in Latin America.

## 6 Tracking the Transnationals: How to Regulate Big Business?

by Rolf Künemann

In June 2011 the UN Human Rights Council decided on the “Guiding Principles on Business and Human Rights”. This marks the end of the six-year extended mandate of John Ruggie, the UN Special Representative of the Secretary General on “the issue of human rights and transnational corporations and other business enterprises”. The struggle to regulate transnational corporations (TNCs) within a rights-based world order, however, will continue until an adequate solution is found.

The economic and political power of TNCs has dramatically increased over the past 20 years. Corporations expanded into a global economic, political and legal space which was devoid of any serious human rights-based governance. States did not apply standards of international human rights law to a rights-based global regulation of TNCs, and failed to develop new instruments. The international structure of corporations was ignored from a legal standpoint. Simultaneously, TNCs successfully lobbied for the development of international investment and trade law, giving them an unassailable advantage over local producers, communities and human rights claimants. At the same time corporations launched a general ideological attack on the regulatory powers of the State.

The failure to regulate TNCs (euphemistically called “neoliberalism”) is at the heart of the financial crisis, the food crisis, land grabbing, predatory mining, the escalation of claims of intellectual property rights and other global developments that threaten human rights while serving the short-term, speculative interests of big investors and transnational banks. Most States have shared the corporate aversion to binding international human rights standards. Some corporate leaders perceive their own image problems due to the human rights abuses while others have genuine concerns. Corporate Social Responsibility (CSR), an initiative to introduce moral standards to corporate behaviour supported by many TNCs for the past 20 years, has largely been ineffective. At the same time the international community of States has been hesitant to set legally binding standards dealing with transnational corporations.

The OECD Guidelines for Multinational Corporations (MNCs) originated in 1976 as an annex to the inter-governmental Declaration on International Investment and MNCs. The Guidelines were revised in 2000 to include human rights. Their first operative paragraph states “observance of the Guidelines is voluntary and not legally enforceable”. The UN Global Compact (2000) asked TNCs (1) to “support and respect the protection of international human rights within their sphere of influence” and (2) “to make sure that they are not complicit in human rights abuses”. It should be noted that the second “principle” relates to human rights abuses by others - usually States. Both voluntary instruments (along with CSR) kept NGOs busy monitoring. After 10 years the results are sobering; these instruments are ineffective. OECD Watch documented the cases dealt with under the Guidelines and the frustrated hopes of the victims trying to make use of them<sup>1</sup>. The Joint Inspection Unit of the UN raised concerns that the Global Compact is used by TNCs for public relations and risks undermining the credibility of the UN<sup>2</sup>. Those

States promoting morals through “gentlemen’s agreements” in situations where normative action and law are needed to protect victims appear to succumb to corporate tactics.

The “Norms on the Responsibilities of TNCs and Other Business Enterprises” proposed in 2003 by the then UN Sub-commission on Human Rights were also not binding. They contained, however, certain elements which would lead to enforceable standards in the course of time. Moreover they applied the respect-protect-fulfill classification of States’ obligations to TNCs, and distinguished TNCs from other business. The Norms were opposed by the corporate lobby and many States. The Human Rights Commission decided not to “monitor” the Norms and in 2005 asked the UN Secretary-General to appoint a Special Representative on “human rights and TNCs and other business enterprises” in order to identify and clarify “standards of corporate responsibility and accountability” and to clarify concepts like “complicity” and “sphere of influence”. The Secretary General appointed John Ruggie, Professor of Political Science at Harvard University.

In 2008 Professor Ruggie put forward the “Respect-Protect-Remedy Framework” and, in 2011, “Guiding Principles” for implementing this framework. The framework refers to the responsibility of business to respect human rights, and States’ obligations to protect human rights against abuses by business and to ensure that victims have access to effective remedy. In some respects the framework builds on the Norms, but it avoids certain contested areas. Protect and fulfill are no longer mentioned as responsibilities of business. This may be acceptable as far as direct legal responsibilities are concerned, but does not suffice for responsibilities under human rights. Accordingly States’ fulfill-obligation is not covered in the framework, even though this is vital in regulating business.

The first draft of the Guiding Principles, published in October 2010, had been criticized by many human rights organizations for failing to specifically address the governance gaps created by globalization, for its lack of clear recommendations to States consistent with international standards, and for lacking clarity on the obligations/responsibilities of corporations. John Ruggie has sought the consent of all States and the corporate sector. Such an approach can only result in the lowest common denominator, at times when visionary steps in rights-based regulation for TNCs are urgently needed. Human rights and the related basic responsibilities are not negotiable.

*Rolf Künemann is Human Rights Director at FIAN International’s Secretariat.*

### FURTHER READING

**The joint response of Civil Society Organizations to Ruggie’s Guiding Principles regarding human rights and transnational corporations and other business enterprises, delivered before the UN Human Rights Council, is available at <http://www.fian.org/news/press-releases/CSOs-respond-to-ruggies-guiding-principles-regarding-human-rights-and-transnational-corporations>**

1 OECD Watch, Ten years on: Assessing the contribution of the OECD Guidelines on Multinational Enterprises to responsible business conduct, June 2010.

2 Joint Inspection Unit, Report, UN Corporate Partnerships: The Role and Functioning of the Global Compact (JIU/REP/2010/9).

by Anton Pieper

Accountability is clearly undermined when there is a lack of transparency in the handling of cases of violations of human rights by national and international authorities. It is also inappropriate for a human rights organization to be asked to refrain from public criticism of actors who are involved in, or benefit from, documented human rights violations. FIAN has recently encountered these challenges in relation to the Mubende-Neumann Case.

## BACKGROUND

The Case centers on the forced eviction of more than 2,000 Ugandans in the Mubende District on August 17 – 21, 2001. The eviction was carried out by Ugandan army following the government's lease of the residents' land to Kaweri Coffee Plantation, a subsidiary of the Hamburg-based Neumann Kaffee Gruppe (NKG, also referred to as 'the Company').

FIAN began supporting the struggle of "Wake Up and Fight for your Rights", an association of communities affected by the eviction, in 2002. In 2009 FIAN assisted the group in filing a formal complaint on the grounds that NKG breached the OECD Guidelines for Multinational Enterprises, arguing that the company was informed of, and benefitted from, human rights violations such as the forced eviction and the related destruction of evictees' property without compensation; in addition, the company had constantly rejected dialogue with representatives of the evictees.

In April 2011, almost 10 years after the eviction, Germany's National Contact Point (NCP) for OECD Guidelines for Multinational Enterprises, based in the Federal Department of Trade and Industry, declared the closure of the complaints procedure against NKG. FIAN has now been asked to refrain from public criticism of the actors involved.

## A DESPERATE SITUATION

The eviction was ruthless and effective, and has changed the lives of the residents irrevocably. People's houses were demolished with bulldozers, fields were desolated and personal belongings were looted. Many evictees were forced to leave their land at gunpoint.

The remaining evictees continue to suffer the loss of their land. Many now subsist on the border of the plantation in makeshift homes. Some have found shelter on neighboring land where they engage in temporary small-scale farming in order to sustain a livelihood. Their plots of land for farming are small, however, and are insufficient to provide their families with adequate food. The educational needs of young people have become secondary to survival. Due to reduced incomes the number of secondary school students has decreased.

## DELAYS AND OBSTRUCTIONS TO THE LEGAL PROCESS

The displaced citizens have been filing complaints against the Ugandan Government and the Kaweri Coffee Plantation since 2002. In these complaints they demand compensation and restitution of their land. Yet the trial, at Nakawa High Court, Kampala, has been systematically delayed. Over nine years the investigations of the court have not made any substantial

progress. The case is still pending - no decision has been made. Company representatives did not even attend the last two court dates.

Meanwhile the Company had also elected not to take part in 2010 talks initiated to negotiate an extrajudicial agreement.

Finally in December 2010, one and a half years after "Wake Up and Fight for Your Rights" and FIAN had lodged their formal complaint, the first and only joint meeting between the NCP, NKG representatives and the evictees took place. The meeting was an opportunity to initiate a serious process of clarification of the controversial issues involved in the case. The complainants remain unclear as to the reasons why the NCP stopped this process prematurely.

## TERMINATION OF THE APPEAL IS COUNTER-PRODUCTIVE

The NCP's closure of the complaint process is particularly inappropriate at a time when it is necessary to maintain international attention on the case and encourage mediation between the parties that could lead to a fair and sustainable solution. Additionally, the final declaration of the NCP is clearly biased in favor of Neumann Kaffee Gruppe and, further to this, the NCP calls on FIAN to stop public criticism of the eviction and its consequences.

FIAN does not accept demands to refrain from publishing public information in relation to human rights violations. The Secretary-General of FIAN, Flavio Valente, expressed his deep concern to the NCP after the initial requests to FIAN members were made:

"We will never accept demands that our information for the public in relation to the work on human rights violations such as the forced eviction in the Mubende case be stopped. Moreover, I would like to stress that the implementation rules of the OECD complaint do not demand a stop in media work on the handled cases<sup>1</sup> and FIAN has never committed itself to this. The guidelines demand confidentiality on information that has been gained during the proceedings and FIAN has always adhered to this rule."

Accordingly, FIAN will continue campaigning on the severe human rights violations that have taken place, and are still taking place, in Mubende, Uganda. Plans for 2011 include several initiatives to raise public awareness about the case in Uganda and Europe. In addition to this, a complaint is envisaged to be filed with the African Commission for People's and Human Rights if no judicial resolution has been issued by the 10th anniversary of the eviction in August, 2011. It is hoped that these measures will encourage the evictees to not give up their fight for justice, and will eventually lead to fair and just procedures that ensure adequate compensation and restitution of the land rights.

*Anton Pieper is working as Project Coordinator at FIAN International Secretariat and as Campaigner on Climate Change and Human Rights at FIAN Germany.*

<sup>1</sup> Please refer to OECD Watch, The Confidentiality Principle, Transparency and the Specific Instance Procedure, 2006, [http://oecdwatch.org/publications-en/Publication\\_1678](http://oecdwatch.org/publications-en/Publication_1678)

by Flavio Valente

***Até onde os Juruá (homem branco) pensam que podem ir? Será que eles não sabem que estão acabando com a terra, com a vida? Será que eles não percebem que a natureza precisa ser bem cuidada?***

***How far do Juruá (white men) think they can go? Do they not know they are destroying land, and the life? Do they not realize that nature must be well cared for?***

*Quote by Guarani leader*

Violations of the rights of the Guarani Kaiowà in the state Mato Grosso do Sul in Brazil continue unabated. Issues regarding the homologation of traditional lands and resettlement remain unresolved as the State Government and the State Judicial branch bow to the influence of local land owners engaged in agroindustrial monoculture production, including agrofuels, on large tracts of land in the southern region of the state. FIAN's initiatives with regard to this high priority case now include approaching the Inter-American Court.

While appropriation of indigenous land by farmers has been occurring in Mato Grosso do Sul since the 1940s, the expansion of soya plantations and cattle ranches in the 1970s accelerated the displacement and expulsion of communities from their native lands. In 2007 alone, 48 indigenous people were killed in Mato Grosso do Sul as a result of disputes over territory while health and social issues continue to plague displaced communities. Among those most affected are the 30,000 Guarani Kaiowà peoples whose access to clean water, food, fuel for food production and medicinal herbs is compromised by eviction from traditional lands, the biodiversity of which is being progressively destroyed by monocultural agricultural practices.

Evicted and displaced communities are forced to move to reservations where overpopulation and poor sanitation results in health and social impacts including alcoholism, homicides and suicides, even among the very young. The only alternative for many is to camp by the side of the road. Between 2005 and 2008, 34 indigenous children under five died while it is estimated that 600 more were affected by malnourishment. A fact-finding mission carried out by the National Human Rights Council in conjunction with FIAN in March 2010 revealed increasing malnutrition among Guarani children and the failure of measures to support food production, due to a disregard of traditional practices. Furthermore, the mission highlighted that none of the 30 families of the Guyraroká community were receiving the Bolsa Familia Cash Transfer<sup>1</sup>. The misery of confinement of communities in roadside camps has been exacerbated by periods of heavy rain and flooding which brings with it the threat of contaminated water and water-borne diseases that can escalate to epidemics.

Today, the Brazilian federal government, challenged by state administrators with strong links to land-owners, is failing to enforce demarcation of indigenous lands despite the constant violations of the Constitutional provisions that guarantee Guarani's rights of access to land and resources. A Terms of Adjustment of Conduct (TAC) in 2007 requiring FUNAI (the National Indian Foundation) to carry out the identification and demarcation of all indigenous lands in Mato Grosso do Sul, significant as a legal basis for indigenous land claims, has not progressed. Ranch and plantation owners, and particularly sugar cane and ethanol producers, have denied anthropologists the access to the sites that is necessary for them to complete the relevant studies. They have threatened lawsuits and even physical harm to indigenous people and others engaged in the identification work.

FIAN and other organizations working with the Guarani General Assembly, Aty Guasu, have increased international pressure to open dialogues with the Brazilian government on this issue. In April and June 2010, in my capacity as Secretary-General of FIAN, I instigated and participated in two high level meetings in Brazil, one of which included a member of the Presidential Cabinet. However while President Lula claimed that the issue was a central priority for his government in 2010 it was not resolved before the end of his term. Incoming President Dilma has been addressed in a letter from the Assembly of the Guarani Kaiowà in January of this year. It demands "give back our living conditions that are our lands, our traditional lands. We are not asking for anything else, just what are our rights in law in Brazil and abroad".

Internationally, FIAN is striving to maintain the visibility of the case, and particularly the ongoing criminalization and violence against the Guarani, with a view to advance its importance on the agendas of the Brazilian Federal Government and that of the UN Special Rapporteur for the Right to Food. A visit by a Brazilian delegation to Germany, Switzerland, Norway and Brussels took place in late 2010, and included the presentation of a dossier that documents the case and highlights the role of agribusiness and agrofuel interests in the debate.

Homologation is the first axis of FIAN's strategy. Immediate plans include driving forward the implementation of the TAC, thereby establishing the obligation to demarcate the 36 traditional lands of the Guarani in Mato Grosso do Sul. Should progress on the TAC continue to be delayed, taking the case to the Inter-American Court is an increasingly viable option. A claim may be made on the grounds that the TAC process is taking too long and that the Government response has been ineffective. The Court has been effective in advancing such matters previously in similar cases in Paraguay. Meanwhile popular support is essential to place pressure on decision-makers on local, national and international levels.

The second axis of FIAN's strategy pertains to guaranteeing the provision of food, health and nutritional assistance to vulnerable Guarani families and individuals to reduce and prevent malnutrition. The early detection and treatment of new cases is vital. In the immediate term FIAN's strategy aims to pressure the government to respond in meaningful ways to the serious health and social impacts identified in

<sup>1</sup> Bolsa Familia Cash Transfer started in 2001, with a program aimed at education. It expanded in 2003 to include a range of services like food and fuel and now covers 2.6 million families in Brazil. The government transfers cash straight to a family, subject to conditions such as school attendance, nutritional monitoring, pre-natal and post-natal tests. [http://www.moneycontrol.com/news/features/are-direct-cash-subsidies-better\\_530680-1.html](http://www.moneycontrol.com/news/features/are-direct-cash-subsidies-better_530680-1.html)



the fact-finding mission and subsequent evaluation. In collaboration with other organizations, including the Catholic Church's Indigenous Missionary Council (CIMI), FIAN will monitor the provision of emergency support to families and the impact of new labor legislation, which provides for the mechanization in sugarcane cultivation, potentially depriving 11,000 indigenous people of their jobs without the provision of adequate alternatives.

FIAN's mandate concerning the Guarani case rests on Brazil's commitment to the International Covenant on Eco-

nomie, Social and Cultural rights, and to the International Labour Organization (ILO) Convention 169. As a signatory the country is duty-bound under international law to respect, protect and fulfill the rights of the Guarani-Kaiowà to access land and to feed themselves. The Brazilian government must demarcate the land of the Guarani properly and therefore protect their human right to food through the provision of adequate access to land and natural resources.

*Flavio Valente is the Secretary General of FIAN International.*

## Food Security: Legitimizing Rhetoric for Land Grabbing?

*by Roman Herre*

This conclusion was drawn by over 150 experts at the landmark Global Land Grabbing Conference, held at the Institute of Development Studies (IDS), University of Sussex, Great Britain, on April 6-8, 2011. The participants, primarily academics but also representatives of the World Bank, the Food and Agriculture Organization (FAO), the International Fund for Agriculture (IFAD), civil society organizations (CSOs) and peasant movements, discussed the local impacts, wider implications and drivers of the global phenomenon that is land grabbing.

Over 100 research papers, the majority based on data from the field, were presented in 32 panels over three days. The overall findings were very clear. The appropriation of land and water by national and transnational corporations, elites and governments is occurring at an unprecedented scale and speed, resulting in the widespread displacement and dispossession of rural and urban communities. Smallhold agricultural producers are especially affected.

Findings presented at the Conference claim that up to 80 million hectares of land are under negotiation or already transferred under land grabbing schemes. Comparatively, this represents almost half the volume of the agricultural land of the European Union. It is noteworthy that not one positive outcome of land-grabbing for local communities in terms of food security, employment and environmental sustainability was identified in any of the studies presented at the Conference.

### THE LONG LIST OF NEGATIVE IMPACTS

A long list of negative aspects, starting with direct violations of human rights like forced evictions and loss of access to land, was documented over the course of the Conference. Land grabbing was seen to contribute to the destruction of local food production rather than the enhancement of food security. 'Community consultations' were identified as a particularly problematic area. In some cases, the consultations with local communities referred to by investors were held after land transactions were completed and investment projects commenced. In other cases affected groups were not informed that their agricultural land was part of an agreement that they made. In further cases, private land titling – which is often seen as an instrument that *protects* - fuelled land loss by the poor.

### LARGE SCALE RURAL TRANSFORMATION

Also topical at the Conference were the ongoing efforts of the World Bank and other international institutions to justify large scale land investments with claims of "responsibility". FIAN reiterated the CSO's collective response to the Principles on Responsible Agricultural Investment (RAI) as an attempt to legitimize land grabbing.

Keynote speaker Olivier De Schutter, the UN Special Rapporteur on the Right to Food, declared the RAI approach insufficient. He identified the very real concern that large-scale investments in farm land, rather than just benefiting investors, will result in an increase in industrial farming that will contribute little to poverty-reduction in comparison to making improvements in access to land and water for the local farming communities. Accelerating the shift towards large-scale, highly mechanized forms of agriculture will not solve the problem of hunger. It will make it worse.

The concluding remarks of the conference were very clear. There is overwhelming evidence of the destructive impact of land grabbing on peasant livelihoods and the environment. Those CSOs in attendance promoted the need for a moratorium on large-scale land investments. As one participant put it, large-scale land investors and their supporters now bear the burden of proof as to the benefits of these practices.

*Roman Herre works for the German section of FIAN. He coordinates the Access to Resources program.*

The papers presented at the Conference can be downloaded at [www.future-agricultures.org](http://www.future-agricultures.org)

The Open-ended Working Group (OEWG) meeting on the first draft of the "Voluntary Guidelines on Responsible Governance of Tenure of Land, Fisheries and Forests" was held on June 14, 16 and 17 at the FAO headquarters in Rome. Follow developments at [www.fian.org](http://www.fian.org)

## 10 The Land of Milk and Honey? – The Right to Food in Germany

by Tim Engel and Ingo Stamm

The Federal Republic of Germany is a rich country where the right to food is fully realized in all its dimensions. Supermarkets supply everybody with healthy food all the time. It is a “land of milk and honey”. FIAN Germany challenges this view in relation to two of society’s most vulnerable groups – children and asylum seekers.

Some may find it absurd to question whether the human right to adequate food, as it is codified in the International Covenant on Economic, Social and Cultural Rights (Article 11), is realized in Germany. The right to food is commonly associated with the global south - Africa, Asia and Latin America - where millions suffer and fight for survival on a daily basis. What are the concerns of wealthy, developed countries in comparison?

FIAN Germany’s working group “Right to Food in Germany” is tackling this challenging question by identifying the obligations that are interlinked with the right to food in Germany. They are scrutinizing the weak points of Germany’s strong system of social security and how these weaknesses impact on the most vulnerable groups in society. Their conclusions reveal that it is by no means self-evident that the right to food is fully realized in Germany.

### CHILDREN AND HARTZ IV

In 2007 the Research Institute of Child Nutrition in Dortmund (Forschungsinstitut für Kinderernährung) found that the social security benefits for children and youth - as specified in Hartz IV, the Second Book of the Social Code - are insufficient for well-balanced nutrition<sup>1</sup>. Although the results of the study generated debate in media and politics there was little action. Even a well-received court ruling of the Federal Constitutional Court (BVerfG) in February 2010 about inadequacy of some social welfare benefits did not lead to better conditions for children and youth<sup>2</sup>. In this ruling the court defined a basic right as a guaranteed subsistence minimum that befits human dignity. The judges stated that “children are not small adults”<sup>3</sup> and, therefore, the calculation of their benefits must be made separately to address their specific needs. The determination of these needs falls to the government, which will have to implement a transparent, appropriate and objective procedure of needs assessment in order to comply with the constitutional requirements.

Until the modification of the Second Book of the Social Code research findings, expert opinions and Constitutional Court rulings did not carry the power to shift the focus of policy-making to the “best interest of the child”. But the right to food of children and youth from poor families is still at stake in Germany. Right now, living under “Hartz IV-conditions” means vulnerable children and youth are eligible to receive between 2.62 € and 4.13 € for food and drink per day<sup>4</sup>. This is far too little to sustain adequate nutrition in Germany. Ironically, for those up to six years of age the last modification of the law provides even less money for nutrition.

1 Kersting, Mathilde / Clausen, Kerstin (2007). Wie teuer ist eine gesunde Ernährung für Kinder und Jugendliche? In: Ernährungs Umschau, Nr. 9.

2 Bundesverfassungsgericht (2010). 1 BvL 1/09 vom 9.2.2010, Absatz-Nr. (1 - 220). Stand: 23.04.11. [http://www.bverfg.de/entscheidungen/ls20100209\\_1bv1000109.html](http://www.bverfg.de/entscheidungen/ls20100209_1bv1000109.html)

3 *ibid*, Judgement of 9 February 2010, Marginal no. 191

4 Bundesgesetzblatt (2011). Gesetz zur Ermittlung von Regelbedarfen und zur Änderung des Zweiten und Zwölften Buches Sozialgesetzbuch. Stand: 20.04.11. [https://www.juris.de/jportal/docs/news\\_anlage/jpk/sbfg/mat/bgbl111s0453.pdf](https://www.juris.de/jportal/docs/news_anlage/jpk/sbfg/mat/bgbl111s0453.pdf)

### ASYLUM SEEKERS AND THE RIGHT TO FOOD

In 2009 around 120,000 persons in Germany received social benefits under the Asylum-seekers Benefits Law (Asylbewerberleistungsgesetz – AsylbLG). The benefits for refugees or people holding a Toleration Visa are 27 to 47 per cent below Unemployment Benefit II as prescribed in the Social Code. Unable to work legally, these people are totally dependent on the benefits. Furthermore, the benefits are mostly rendered in form of vouchers, non-cash benefits and, at times, food packages. This means that the beneficiaries have little or no control over their diets for periods of up to four years. Despite the fact that the “right to an socio-cultural subsistence minimum”, stated by the Federal Constitutional Court in 2010, also covers refugees under the AsylbLG, the social benefits for asylum-seekers are currently only “under review” and a “statutory readjustment” is only “expected to occur in 2011”<sup>5</sup>. It is quite clear that migration concerns are ranked higher in German social policy-making than fundamental human rights like the right to food.

These two cases beg further questions – is the right to food already realized when a person is not hungry anymore? Is it acceptable for people to have to accept food they do not chose to eat, therefore having no opportunity to manage their own nutritional needs? Furthermore, an increasing number of people in Germany are forced to choose between basic needs. For example, sufferers of chronicle diseases have to spend more money for medication or care, spend less on food and therefore potentially compromise their nutritional needs. Two basic rights collide. Is this unavoidable or can political will drive social and economic solutions?

FIAN Germany’s working group on the right to food in Germany takes the latter view. The right to food means that everybody must have access to adequate food without having to choose between existing rights. States are obliged to guarantee that no one is discriminated against because of his or her age, national origin or residential status.

*Tim Engel is member of the board of FIAN Germany and spokesman of the working team Right to Food in Germany. Ingo Stamm is a social worker and human rights activist for FIAN Germany. He is also part of the coordinating group of the alliance for economic, social and cultural rights in Germany.*

### FURTHER READING

The List of Issues in Response to the 5th Periodic Report of the Federal Republic of Germany on the Implementation of the International Covenant on ESC Rights submitted by the Alliance for Economic, Social and Cultural Rights in Germany, to which FIAN Germany contributed, is available at [http://www2.ohchr.org/english/bodies/cescr/docs/ngos/AESCR\\_Germany\\_CESCR46.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/ngos/AESCR_Germany_CESCR46.pdf)

The “Concluding Observations” of the UN Committee concerning the 5th Periodic Report of the German Government are available at <http://www2.ohchr.org/english/> under the documents concerning the 46th session of the Committee, Document No. E/C.12/DEU/CO/5.

5 Government of the FRG (2011). Written reply to the list of issues by the CESR in document E/C.12/DEU/Q/5 on the Fifth Periodic Report. Issue 14. 10.04.11. <http://www2.ohchr.org/english/bodies/cescr/cescrs46.htm>; c.f. also Deutscher Bundestag (2010). Antwort der Bundesregierung. Verfassungsrechtliche Aspekte und Anwendungspraxis des Asylbewerberleistungsgesetzes. Drucksache 17/3660. 12.01.11. <http://dipbt.bundestag.de/dip21/btd/17/036/1703660.pdf>

**Governing food security: Law, politics and the right to food**, edited by Otto Hospes and Irene Hadiprayitno (Wageningen Academic Publishers) aims to demonstrate that food security is a complex issue, involving a wide spectrum of different laws, intricate policy-making processes and interdependencies among institutions and actors. The authors' major point is that food security should not be simplified; analysis should take into consideration global and local histories, current trends and the mechanisms operating at macro and micro levels. Food security is a "glocal" problem; a dynamic situation affected by pluralities of local and global laws, policymaking processes and rights that "constrain or enable food security of individuals, communities, and countries in different ways".

In drawing on legal, political, sociological, and anthropological approaches Hospes and Hadiprayitno support Eide and Kracht's (2007) call for interdisciplinary research about the right to adequate food. They assume a holistic perspective that does not relegate discussions of food access and availability to the Global South, and those on food safety and quality to the Global North. Thematically, the book is divided into three sections: the first explains the right to food concept; the second analyzes the role of scientific risk assessment in the formulation of food safety policies and the final section discusses the influence of transnational laws and resource complexes on food security.

The first part on human rights and food security covers historical developments since World War II until 2009, analyzing the reasons behind the formal divide between economic, social and cultural (ESC) rights, and civil and political rights. To readers interested in the subject of the right to food Chapter II, "The plural wells of the right to food" by Bart Wernaart, and Chapter III, "The freedom to feed oneself", by Bernd van der Meulen are particularly insightful. The authors' clear explanation of the international documents, UN structures and organizations addressing the right to food make the topic accessible even to those without a background in human rights. The dichotomy between political and civil rights and ESC rights is strongly challenged in Chapter IV by Asbjørn Eide. Eide's defense of a unifying and holistic "tripartite typology" provides a powerful explanation of the "protect, respect, and fulfill" obligation. These three detailed and extensive chapters are highly recommended for inclusion in the curriculum of any course on the right to food.

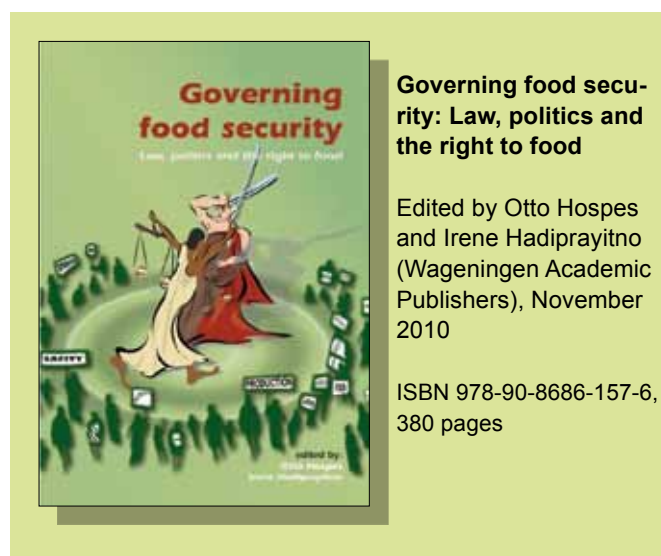
In the second section, tackling the influence of science on food safety and quality, Henri Goverde and Gerard Breeman, with Catrien Termeer, concentrate on the Netherlands, while in a third article Anna Szajkowska focuses on food safety governance in the European Union. Breeman's and Termeer's perspective on "trust erosion" establishes a promising framework for understanding its often neglected effects on food policies and chain coordination. Nevertheless, future editions of the book will be richer if they provide a chapter on private food safety standards.

The third part of the book addresses diverse topics important for understanding of food security governance within the globalized world. It explores the influence of transnational law on global, national and local food security. The issues and case studies presented include the debate on patenting staple crops; the emerging need for interventionist governance of virtual water; the struggle over principles of "responsible soy" production in the Amazon; the US regulatory system of farmland protection;

and the strategies used by an indigenous community in Bolivia to secure food availability. Melanie Wiber's study of the arguments for and against intellectual property rights with regard to the patenting of agricultural genetic resources exposes the differential capacities of small-scale farmers in the North and South to influence transnational corporations. In analyzing local and international debates over the production and consumption of "responsible soy" in Brazil and the Netherlands Otto Hospes reveals the power dynamics between actors. In his explanation of how soy is changing patterns of meat consumption, he coins the terms "feed security" and "food security of the rich". Moving from transnational to community level, Michiel Köhne explores "brokerage" as a system of interconnection in an indigenous community in Bolivia. He shows how informal mechanisms establish connections between villagers, state institutions, and NGOs. Finally, Dik Roth and Jeroen Warner critically assess the emergence of virtual water as an economic tool for increasing water efficiency. All articles in this section provide fruitful material for further understanding the opportunities and pitfalls for development posed by the extraterritorial obligations described by George Kent (2008) in *Global obligations for the right to food*.

*Governing food security: Law, politics and the right to food* is as multi-faceted as the topic of food security itself. Part 1 is recommended for a wider audience while later chapters are appropriate for scholars and practitioners working in the thematic areas. This book comes at a time when an understanding of food security and safety effects is a necessity, when increasing food prices fuel public demonstrations against the ruling regimes, and the efficiency of food safety control is questioned by health-related scandals in Europe.

*Anna Jenderedjian is a doctoral candidate in the Department of Agriculture at the Hohenheim University. Her research is focused on civil society organizations and food security in the post-Soviet states. She is a member of a working group in the Department of Gender and Nutrition, University of Hohenheim, that is collaborating with FIAN International to explore gender-focused and integrated food system approaches to the legal and institutional frameworks of the human right to food and nutrition.*



**Governing food security: Law, politics and the right to food**

Edited by Otto Hospes and Irene Hadiprayitno (Wageningen Academic Publishers), November 2010

ISBN 978-90-8686-157-6, 380 pages

***The Fight for the Right to Food: Lessons Learned***  
by Jean Ziegler, Christophe Golay, Claire Mahon and Sally-Anne Way

Written by the UN's first Special Rapporteur on the Right to Food and his team, this book provides multiple perspectives on the different dimensions of the right to food. The first part covers theoretical development of the right to food in international law; the second includes the results of 11 country missions in Africa, Latin America and Asia. The authors identify obstacles to the realization of the right to food including what Ziegler describes as the 'schizophrenia' of the UN system and State policies. In analyzing dominant approaches to world hunger this book reveals the structural causes, including the negative impact of development programs on food security. The authors emphasize the importance of political will, without which technical solutions will continue to fail to deliver for one billion undernourished. ISBN 978-0-230-28464-7.

***ETOs for a Rights-based World Order***  
(booklet and flyer)

Written by Rolf Künemann, Human Rights Director at FIAN International Secretariat, these resources demystify the complex field of Extraterritorial Obligations (ETOs) and identify gaps in human rights protection. The flyer offers a concise introduction to the issues while the 20-page booklet explains the legal frameworks that underpin the ETO Consortium's campaign for a human rights-based world order. Available in English, Spanish and French at <http://www.fian.org/resources/documents/others/etos-for-a-rights-based-world-order>

***Toolkit for Action for the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights***

Developed by the International NGO Coalition for an Optional Protocol this Toolkit aims to facilitate international and national advocacy work for the ratification and the entry into force of the Protocol and the national implementation of ESC rights. Available in French, Spanish and English at [http://www.escr-net.org/resources/resources\\_show.htm?doc\\_id=1475393](http://www.escr-net.org/resources/resources_show.htm?doc_id=1475393)

***FIAN Annual Report 2010***

The Report chronicles the year's achievements in FIAN's international working program areas including Access to Land and Natural Resources; the Right to Water; Extraterritorial State Obligations; Monitoring States' Right to Food Policies; Justiciability of the Right to Food; and Gender and the Right to Food; and it profiles the activities of national FIAN sections. Available in English and Spanish at <http://www.fian.org/news/news/annual-report-2010-is-out>

***HAKI ZETU: ESC Rights in Practice – The Right to Adequate Food***


This publication is one of a handbook series for local civil society groups in Africa. Developed by FIAN in collaboration with Amnesty International, it features strategies and activities that reflect the reality of the struggle for economic, social and cultural rights in a country where two in five people live on less than a dollar a day. Download it at <http://www.fian.org/resources/documents/haki>

## IMPRINT

**Right to Food Quarterly – Vol.6 No. 1, 2011**

Editors: Wilma Strothenke and Alana Mann  
Layout: Uschi Strauß  
Printed on FSC certified paper  
Published by FIAN International, June 2011

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Produced with financial assistance of the European Commission  
 (EC) The views expressed herein are those of FIAN and not of the EC.



FIAN International  
P.O. Box 102243  
69012 Heidelberg  
Germany  
Tel: +49-6221-6530030  
Fax: +49-6221-6530033  
[www.fian.org](http://www.fian.org)

## CONTACT

If you have any comments, queries or wish to subscribe to the Right to Food Quarterly, please contact the editor at [strothenke@fian.org](mailto:strothenke@fian.org)

**FIAN International** is the international human rights organization that advocates the realization of the right to food. We are a non-political, non-for-profit organization with sections and members in more than 50 countries. We expose violations of people's right to food and strive to secure access to the resources that people need in order to feed themselves now and in the future. We envision a world free from hunger, in which every man, woman and child can fully enjoy their human rights in dignity.