REPORT SUMMARY: NATURAL DISASTERS, HUMANITARIAN ASSISTANCE AND THE RIGHT TO FOOD

INTRODUCTION

Following the Special Rapporteur’s interim report devoted to the humanitarian system and the right to food in conflict situations (A/72/188), the present report focuses on the right to food in the context of natural disasters. Based on country-specific examples of extreme weather events, such as droughts, desertification and floods, as well as sudden disasters such as hurricanes, wildfires, tsunamis and earthquakes, the report evaluates the direct and indirect impact on the right to food and on people’s livelihoods, how these events contribute to hunger, and what should be done to reduce human rights violations and longterm resource depletion. The report highlights the importance of achieving a real convergence between emergency food aid, food assistance and development cooperation. The Special Rapporteur concludes that despite some of the positive outcomes of the World Humanitarian Summit, there is a need to improve preparedness and to ensure that greater attention is paid to building the resilience of the most affected and vulnerable communities as well as to establishing sustainable food systems.

HUMAN RIGHTS LAW IN DISASTER SETTINGS

PARAS 57-67

DISASTER RESPONSE LAW

From the perspective of food security, “disaster” refers to the impairment of a population to access nutritious, culturally acceptable and safe food, as a result of a catastrophic event. The consequences of such events may include the weakening of governance structures, destabilization of the food market and the destruction of livelihoods, thus making food-insecure populations even more susceptible to suffering future crises. Due to the absence of binding legal mechanisms, discrepancies among various interpretations and the increased number of disaster situations worldwide, the International Law Commission has produced 21 draft articles on subjects ranging from the role of the affected State in coordinating an international disaster response to the recognition of human rights in the context of a natural disaster. However, the dominant view for international community disaster relief is still based on voluntarism and assumes that disaster-affected people remain dependent on the vagaries of altruism, which is often unreliable, politically partisan, and arbitrary.

HUMAN RIGHTS LAW

In times of emergency, unlike with civil and political rights, there is no derogation clause to suspend State obligations pertaining to the right to food, as well as other economic, social and cultural rights. Even though external humanitarian assistance should be provided upon request of the States affected by natural disasters, or at least with their consent, States’ arbitrary refusal to receive humanitarian assistance should be treated as a violation of international human rights law. Indeed, general comment No.12 of the Committee on Economic, Social and Cultural Rights includes, among the violations of the right to adequate food, “the prevention of access to humanitarian food aid in internal conflicts or other emergency situations.”
IMPACT OF DISASTERS: WHO IS MOST AFFECTED? paras 34-56

Natural disasters affect the most vulnerable in a disproportionate manner, making the enjoyment of the right to food in disaster and post-disasters contexts even more challenging for those with special needs. More than 75 per cent of the world’s poor depend directly on natural resources to sustain their livelihoods. These people have limited savings, depend on agriculture for a living and face increasing exposure to disaster risks. In particular, marginalized local and traditional communities, such as nomadic and indigenous peoples, as well as peasants, are affected by denial of access to land, fishing and hunting; deprivation of access to adequate and culturally acceptable foods; loss of traditional knowledge; and loss of biodiversity and degraded ecosystems.

Children face acute vulnerability due to their inherently limited access to food, as they rely on caregivers to ensure their daily food intake, especially in the first 1,000 days of their life. Appropriate nutrition during this window is vital in order to overcome life-threatening childhood diseases. During natural disasters, household income may be seriously diminished, thus affecting caregivers’ capacity to fulfil children’s basic nutritional needs.

The vulnerability of women is higher than that of men in post-disaster contexts. In times of natural disaster, women’s household responsibilities increase while access to resources decreases. The daily work involved in providing food, water and fuel for households after a disaster requires intensive labour, the bulk of which is borne by women.

People living with HIV/AIDS in disaster and post-disaster areas are especially vulnerable, because a lack of food, and especially of basic nutrients, may result in a faster progression from HIV to AIDS. The energy requirements of people living with HIV are higher than for healthy non-infected persons in similar physical condition and of the same age and sex.

RIGHTS-BASED APPROACH paras 88-97

The Food Assistance Convention, of 2012, is the only legally binding international treaty addressing “the food and nutritional needs of the most vulnerable populations” in emergency situations. Several provisions of the Convention draw upon the text of the 2004 Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, of 2004. Both instruments recognize the importance of targeting vulnerable groups for food assistance, supporting the long-term food security objectives of beneficiary States, supporting the long-term rehabilitation
IMPACTS OF DISASTERS ON THE RIGHT TO FOOD  paras 11-33

Natural disasters and climate change are closely linked. The negative impact of climate change, such as global warming, not only hampers crop, livestock, fisheries and aquaculture productivity, but also influences the frequency of extreme weather events and natural hazards. Those events are expected to become more frequent in coming years, and according to predictions their strength and magnitude are likely to intensify. Intensification and recurrence of natural disasters also magnify their impacts on populations, thereby risking impairment of human rights given that “more frequent and intense extreme weather events will also complicate the logistics of food distribution during emergencies”.

Availability

The agricultural sector is very important for rural people, who farm for both food consumption and income. Although the main impacts vary significantly, depending on the kind of disaster and the region, the total percentage of losses and damage absorbed by the agriculture sector in developing countries has been estimated to be 22 percent. Natural disasters destroy essential infrastructure, affects livestock, crop growth, and damage seeds and seed-storing facilities.

Accessibility

Natural disasters affect access to food in a number of ways. They contribute to food price inflation in local markets because of scarcity of commodities. They may also lead to increased unemployment or declining wages for farm workers, thus diminishing their purchasing power. Such developments produce an erosion of livelihood, especially in rural areas.

Adequacy

Natural disasters negatively affect food adequacy, especially by potentially causing reductions in the quality of food consumed, which increases prospects of malnutrition, as disasters may have a severe impact on dietary diversity and reduce overall food consumption. Following many kinds of natural disasters, food in the affected areas may become contaminated, with an increase in the risk of food-borne diseases.

Sustainability

Natural disasters can have a long-term impact on the right to food by threatening key environmental resources and entire ecosystems that are vital for sustainable food production. Contamination of soil and water results from storms, tsunamis and floods. Salinization of water bodies affects the fertility of agricultural lands, and disasters reduce nature's defense capacity, amplifying the impacts of future hazards.
The Special Rapporteur recommends that States:

(a) Develop national laws and monitoring systems on disaster management (prevention, response and recovery) to incorporate a human rights-based approach

(b) Adopt necessary legislative and budgetary measures to focus on prevention and disaster risk reduction measures

(c) Develop legislation and monitoring and enforcing mechanisms at the national level following the Guiding Principles on Business and Human Rights;

(d) Regulate and monitor agricultural investments in disaster settings, privileging local ownership and food sovereignty and not interfering with the local market

(e) Consider establishing “crop and natural disaster insurance” and adopting measures for the protection of seeds

(f) Prioritize the needs of the most vulnerable, by setting up budgetary priorities

(g) Set policies that pay particular attention to the role of women in disaster and post-disaster situations;

Further, the international community should:

(a) Enhance coordination between existing humanitarian institutions, and between United Nations bodies

(b) Consider the negotiation of a comprehensive, multilateral treaty to respond to disaster situations in a coordinated and effective manner.

The Committee on Economic, Social and Cultural Rights should prepare a general comment focused on human rights remedies in times of disaster and in post-disaster situations, as well as on preventive measures to clarify the obligations of States and international communities.

For the full-text report visit https://www.ohchr.org/en/issues/food/pages/annual.aspx or HILALELVER.ORG