



**REPORT SUMMARY:
CRITICAL PERSPECTIVE &
THE PATH FORWARD**

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I. INTRODUCTION

Over the course of her mandate, the Special Rapporteur has drawn attention to those populations living on the brink of famine and those subject to the starvation that threatens more than 113 million people worldwide. She has critiqued the expansion of an international economic regime that promotes the unequal distribution of resources, the exploitation of agricultural workers, a rise in monocultural production and a lessening of diversity in food systems in times of climate emergency. She has demanded remedy for the most marginalized communities facing persistent inequality and discrimination based on their gender and/or ethnic identity and illustrated how these conditions were exacerbated in the wake of severe conflicts and emergency situations, including those linked to geopolitical tensions and climate change. She has concluded that, despite the goal of “zero hunger” and malnutrition by 2030, the realization of the right to food remains a distant, if not impossible, reality for far too many.

Nevertheless, the Special Rapporteur is committed to using the knowledge gained in her position to show the path forward and inspire collective action. In her final thematic report, the Special Rapporteur assesses the relevant trends that have emerged during her mandate and offers a sobering and at times promising review, recalling past thematic reports, observations from country missions and findings from leading technical experts on global food and nutrition security. After providing a critical perspective on the remaining challenges and new developments, she looks to the future, highlighting the roles and responsibilities of key players in advancing the right to food.

II. CRITICAL PERSPECTIVE: GLOBALIZATION AND COMMODIFICATION OF FOOD SYSTEMS

The current industrial agricultural model has serious disadvantages. It generates food loss and waste, mistreats animals, emits greenhouse gases, pollutes ecosystems, displaces and abuses agricultural and fishery workers, and disrupts traditional farming communities. Put simply, the human rights of food system actors, including agricultural workers, smallholder farmers and consumers, are often ignored or their rights violated.

A. Trade agreements, subsidies and neoliberalism

Today’s food systems are dominated by trade agreements and economic policies that prioritize profits over the right to food. Power is concentrated in the hands of a few corporate actors with free trade rules and export-oriented agricultural policies privileging large-scale agribusinesses to the detriment of smallholders, creating instability in the global food system. Around the world, small producers are disappearing and local markets are collapsing. Fiscal policies that promote farm subsidies and other protectionist measures, such as the common agricultural policy of the European Union, are intended to promote “farmers’ food sovereignty” but are often subject to distortion and manipulation. Neoliberal reforms, including fiscal consolidation and austerity measures, have also “ravaged” communities in both developed and developing countries, leaving populations without access to basic services and vulnerable to rights violations.

New Developments

The Special Rapporteur has previously warned that these policies, in conjunction with cuts to fuel and food subsidies, rising food prices and corruption, exacerbate inequality and stir unrest, as seen in Haiti, the Sudan and the Bolivarian Republic of Venezuela. During the Special Rapporteur’s recent visit to Zimbabwe, she observed a dire situation of food insecurity and poverty throughout the country. Economic sanctions and conditionalities imposed by the United States of America and to a lesser extent by the EU, as well as the austerity measures adopted by the Government have made these conditions worse.

B. Marginalization of Smallholder Farmers and Peasants

An estimated 80% of the world’s poorest people live and work in rural areas, half of whom are small-scale and traditional farmers, 20% are landless and 10% subsist through fishing, hunting and herding activities. Despite producing more than 70% of locally consumed food, peasants and smallholders have become dispensable, experiencing displacement and facing barriers to markets as a result of technical trade requirements and infrastructural deficiencies.

Smallholder Farmers and Peasants (cont.)

New Developments

While these challenges have persisted over the past six years, there have been significant advances in the legal protections afforded to small-scale producers and peasants. In 2018, the General Assembly adopted the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, reinforcing the obligation of States to provide inclusive, unobstructed access to productive resources for rural populations, including women, and the rights to decent work and livelihood, consistent with the Sustainable Development Goals (see e.g. target 2.3). The Committee on World Food Security has developed important policy guidelines that support these developments, including voluntary guidelines on the responsible governance of tenure of land, fisheries and forests, among others. In 2017, General Assembly proclaimed 2019–2028 the United Nations Decade of Family Farming; and in 2019, the FAO and IFAD launched a joint global action plan to enable a better policy environment for family farmers. Effectively implementing these initiatives will require greater inclusivity of affected populations in the policy process.

C. Rush to Land

Over 3.1 billion people worldwide rely on land use for their livelihoods, the majority of whom live in developing countries without formal or independent land ownership. As market control has become increasingly consolidated, these lands have become subject to agricultural investment, as part of a “global land grab.” This concept refers to the acquisition of large tracts of land by companies for investment purposes, often without the consent of or consultation with local communities. Between 2000 and 2016, foreign buyers acquired 42.2 million hectares of land, with Africa accounting for 42% of all deals. Land-grabbing has also increased across Europe, where 2.7% of farms over 100 hectares control over half of all arable land. Proponents of large-scale land acquisition frame these policies as beneficial for local employment and economic infrastructure. In practice, it has cast land as a marketable commodity sold to the highest bidder.

New Developments

While land-grabbing persists, there have been gradual efforts by States to establish procedural rules to protect the tenure rights of local populations. In 2015, for example, Poland adopted a land transaction law intended to protect agricultural land from large foreign or domestic investors who would establish agribusinesses to the detriment of family farming. It also set out procedures that allowed individuals to appeal against administrative proceedings in the event that they were wrongly denied their right to purchase farmland. (A/HRC/34/48/Add.1). Civil society movements have also had some success in opposing land-grabs by foreign corporate investors, as recently witnessed in Mozambique and Ghana.

D. Worker Exploitation and Exposure to Dangerous Pesticides

Food workers continue to rank among the world’s most food insecure. The agricultural sector alone employs an estimated 1.3 billion workers worldwide and the ILO estimates that at least 170,000 of those workers are killed each year. Informality in the sector, which accounts for 60-90% of all workers, especially women, children and migrants, means fewer protections and higher risks of poverty (A/73/164 and A/HRC/40/56). Exposure to toxic pesticides through spray, drift and direct contact has contributed to shocking rates of acute pesticide poisoning among agricultural workers (A/HRC/34/48, para. 16). Nearly 80% of workers are without access to social protections, such as social security, health care, and workers compensation. Existing protections set forth in international instruments, such as the Plantations Convention and Convention on the Rights of the Child, have proven insufficient, as businesses are merely encouraged to adhere to Guiding Principles, but are not held accountable for rights violations.

New Developments

Efforts to change the status quo are under way at the international level, as a draft legally binding agreement on business activities and human rights is currently under negotiation. It is intended to prevent violations and abuses, ensure access to justice and remedies for victims, and promote and strengthen international cooperation. A recent wave of litigation focused on glyphosate, the active ingredient in the popular Roundup weed killer, finally catalysed State-implemented protection for workers exposed to pesticides, in the form of bans, restrictions and even monetary compensation for harm caused. However, this issue has remained controversial.

E. 'Supermarketization' and Rising Rates of Malnutrition

All forms of malnutrition continue to threaten the lives and livelihoods of populations around the world. Children remain the most vulnerable to malnutrition, which contributes to about 45% of all child deaths. (A/71/282, para. 13). As State policies promote commodity foods for export, local markets are flooded by subsidized, processed foods that contribute to the explosion of non-communicable diseases and malnutrition. Countries that embrace market deregulation experience a faster increase in unhealthy food consumption (A/71/282, para. 29). For the first time in history, there are more obese than undernourished people in the world, with obesity rates having nearly tripled since 1975. More than 40 million children worldwide are overweight, with Africa and Asia the most burdened. These alarming rates of obesity and diet-related diseases are associated with the "supermarketization" of food systems as well as targeted marketing of unhealthy foods at children.

New Developments

Following the second international conference on nutrition in 2014, the UN declared the Decade of Action on Nutrition in April 2016; however, only Brazil, Ecuador and Italy have made specific, measurable, achievable, relevant and time-based (SMART) commitments for action in the context of national nutrition-related policies. Other countries (Argentina, Chile, Costa Rica and Mexico) have launched labelling regulations and practices to warn children and adolescents about unhealthy food and beverages, shielding them from targeted marketing. Most States remain reluctant to regulate the food and beverage industry with measures similar to the WHO Framework Convention on Tobacco Control, or to adopt national strategic plans with time frames and specifically tailored budgetary initiatives. Instead, States continue to rely on public-private partnerships that are beset by conflicts of interest and weak monitoring and accountability mechanisms.

F. Loss of Biodiversity and Environmental Degradation

Biodiversity is vital to sustainable agriculture and food production, but it is diminishing at unprecedented rates. In its first ever report on the state of the world's biodiversity for food and agriculture, released in February 2019, FAO reported an alarming loss of biodiversity: fewer than 200 plant species make major contributions to food production and just 3 crops – wheat, maize and rice – account for more than half the world's plant-based calories. Nearly one third of fish stocks are overfished and nearly 26% of the 7,745 local livestock breeds are at risk of extinction. The IPCC has found with a high degree of confidence that climate change creates an additional stress on land, exacerbating threats to livelihoods, biodiversity, and human and ecosystem health and food systems. Reducing meat in diets in developed countries could have important ecological benefits, as 70% of the destruction of global forests is being carried out in order to grow animal feed. Indigenous peoples are custodians of 80% of the world's remaining biodiversity, but are facing severe food insecurity, extreme poverty and other human rights deprivations around the world.

New Developments

States continue to invest in production practices and industrial agriculture that have detrimental environmental impacts. The palm oil industry is expanding, despite its links to the displacement of indigenous people and other rural communities, especially in Indonesia and South-East Asia (see A/HRC/40/56/Add.2). Cattle ranching and local and subsistence agriculture are also associated with a loss of biodiversity and land degradation in parts of tropical Asia and Central and South America. Particularly troubling is the significant increase in fires burning in the Brazilian Amazon, following the promises made by the new Government to open indigenous lands for farming and mining. A new Facilitative Working Group under the Local Communities and Indigenous Peoples Platform recently drafted a two-year workplan for the period 2020–2021, giving indigenous peoples greater representation in the climate change process. In 2016, in resolution 33/25, the Human Rights Council amended the mandate of the Expert Mechanism on the Rights of Indigenous Peoples to expand its capacity and impact. These developments may help promote both the rights of indigenous peoples and protect biodiversity and ecosystem health.

III. SEVERE FOOD INSECURITY: HUNGER, STARVATION AND FAMINE

A. Conflict and Food Crises

Protracted conflict, local insecurity and violence disrupt agricultural production and threaten livelihoods, accentuating negative coping strategies and deepening vulnerability to shocks (A/72/188). Conflict also drives migration, generating 70.8 million refugees and internally displaced persons by the end of 2018. During the course of the Special Rapporteur's mandate, the worst food crises have occurred in areas of active conflict, with over 113 million people affected in 2018. Crises in Afghanistan, the Democratic Republic of the Congo, Ethiopia, northern Nigeria, South Sudan, the Syrian Arab Republic and Yemen account for two thirds of acute global food insecurity.

In Yemen, 15.9 million people are experiencing hunger each day and this number could reach 20 million if humanitarian assistance is not delivered. In South Sudan, 1 million people have been declared food insecure as of January 2018 – a 40% increase since the same time the previous year. Also in 2018, the UN reported that 68% of households in the Gaza Strip, or about 1.3 million people, were severely or moderately food insecure as a result of protracted crises and a prolonged blockade. In 2018, the Assistant Secretary-General for Human Rights concluded that Myanmar had disregarded this obligation and resorted to “forced starvation” to carry out an ethnic cleansing campaign against the Rohingya people in Rakhine province.

New Developments

Although perpetrators of deliberate starvation continue to enjoy widespread impunity, the international community recently took steps towards holding States accountable for violations of the right to food during times of war: in 2018, the Security Council unanimously adopted resolution 2417 condemning the starving of civilians as a method of warfare, as well as the unlawful denial of humanitarian access to civilian populations. The resolution has not yet been implemented, but has been invoked in submissions to the investigation by the International Criminal Court into the alleged crimes of the Government of Myanmar against the Rohingya people. As a positive development, in January 2020 the Assembly of States Parties to the International Criminal Court unanimously voted to amend the Rome Statute to recognize the crime of starvation in non-international armed conflict.

B. Climate Change and Natural Disasters

The climate crisis is an existential threat to human survival, a key driver of hunger and malnutrition, and a violation of all human rights. Over the past half century, climate change has exacerbated global inequality between countries by 25%, with vulnerable populations who contribute the least to climate change, suffering the most. Failure to act could push over 3 billion people into extreme poverty and hunger, with a possible increase in the total population at risk of hunger rising to 20% by 2050. Unfortunately, most State responses to the climate crises are either non-existent or ineffective. Existing commitments to the Paris Agreement will not prevent global temperatures rising less than 3°C. If global temperatures keep rising to 2°C above pre-industrial levels, an additional 189 million people could become food-insecure.

Increased frequency and intensity of extreme weather forcibly displaced more than 20 million people in 2017 and severely endangered people's livelihoods, particularly those who rely on the fishing and the agricultural sector for income and subsistence (A/HRC/37/61 para. 18). The Special Rapporteur observed these impacts during her visits to Indonesia, the Philippines, Viet Nam, Zambia and Zimbabwe. At the time of writing the present report, massive wildfires were raging in Australia, devastating the environment and threatening the lives and food security of its population

New Developments

Since the start of the Special Rapporteur's mandate, the impact of climate change on global food systems have become more widely believed by the general public. Media coverage and civil society organizations have called for drastic changes to agricultural production and consumption habits, recognizing that food systems are a considerable source of greenhouse gas emissions.

Youth are leading the call for change, as demonstrated by protests and engagement at the Climate Action Summit, held in New York in September 2019, and at the 25th Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Madrid in December 2019.

IV. LOOKING TO THE FUTURE: RECOMMENDATIONS FOR KEY ACTORS TO SUPPORT THE REALIZATION OF THE RIGHT TO FOOD

Eliminating hunger and malnutrition for all will require the active participation and engagement of a range of stakeholders, predominantly States as the primary duty bearers of the right to food. That requires a holistic, coordinated and rights-based approach to the elimination of hunger and malnutrition with increased attention given to future generations and the planet.

A. Formally Recognize economic, social and cultural rights in times of peace and conflict.

States continue to neglect economic, social and cultural rights, particularly the right to food. There are 170 parties to the International Covenant on Economic, Social and Cultural Rights, but only about 30 countries have explicitly recognized the right to food in their national constitutions. In countries that explicitly or implicitly recognize the right to food, there is a significant gap between law and implementation. In the United States, which does not formally recognize economic, social and cultural rights, the Government has introduced aggressive roll-backs and cuts to its supplemental nutrition assistance programme over the past year, thus threatening national food security.

States are duty bearers and all persons are rights holders, not passive recipients of charity. There exists a fundamental difference between a legal entitlement and a generalized affirmation of charity or moral responsibility. Accordingly, States must ensure that adequate institutions and avenues exist, so that rights holders can hold them accountable for rights violations and secure remedial relief for themselves. The Covenant sets forth certain procedural rights, including participating in decision-making, accountability, transparency and the rule of law, as part of the implementation process.

States must also recognize those rights in times of conflict, which are currently driving the most severe food crises. The Special Rapporteur reiterates her call for a global convention that gives States and the international community clear legal mandates to prevent famine and protect the right to adequate food before situations reach a critical stage (see A/72/188).

B. Implement a Human Rights-Based Approach

Effectively implementing the right to food requires adopting a human rights-based approach to governance. Such an approach reinforces the concept that all human rights are interdependent, interrelated and indivisible. Human rights should always be interpreted and applied holistically. Accepting that the right to food is inseparable from other human rights has been overwhelmingly adopted by Member States, but the principle has failed to be implemented. A human rights-based approach reminds States to focus on the most marginalized, excluded or discriminated-against segments of the population and to account for power imbalances that undermine governance.

C. Monitor Rights and Guarantee Access to Justice for Extraterritorial Violations

It is critical that States adopt the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights to ensure that avenues to justice are available and known, especially in relation to the most vulnerable populations. Holding States and transnational corporations accountable for violations of economic, social and cultural rights must also extend beyond national borders (see A/73/164). Owing to the unrestrained power of corporate actors in the global food chain, voluntarism does not work. The emergence of public-private partnerships has also reinforced power asymmetries, exacerbated conflicts between public and private interests and otherwise unduly influenced decision-making and policies in the global food system.

D. Finance Human Rights Institutions and Remove Siloes Separating International Organizations

In recent years, human rights have been under attack due to emerging nationalism, populism and predatory global capitalism. There is no shortage of international organizations committed to promoting a world of zero hunger and malnutrition in their mandates.

RECOMMENDATIONS TO SUPPORT THE RIGHT TO FOOD (CONT.)

However, there is generally a disconnect and lack of coordination between them. Institutional fragmentation and silos within and between the Rome-based organizations and the Geneva-based human rights mechanisms, in particular, have further weakened efforts to mainstream human rights into food policy agendas. More cohesive, coordinated action between New York, Rome and Geneva that builds upon the findings of the Human Rights Council, the special procedures, the treaty bodies and the universal periodic review is vital for the effective promotion of the right to food. Those organizations cannot adequately address the right to food in isolation, and doing so is not only contrary to the prevailing consensus in the United Nations system, but diminishes their organizational impact.

E. Adopt Economic Reform to Address the Poverty and Inequality of Marginalized Populations

As has been addressed in previous thematic reports, poverty, inequality and the inequitable distribution of food and productive resources remain a significant barrier to the right to food, particularly for populations that have faced historic and pervasive discrimination. As a result of inequality, reaching zero hunger extends beyond production-oriented approaches, the paradigm in which SDG 2 is rooted. States should invest in social protection mechanisms and inclusive policies rather than place excessive reliance on the supply-oriented solutions that gained support and influence following the food price crises in 2008 and 2011.

Rather than relying exclusively on the food aid promoted by the Group of Eight countries and on the World Bank and the International Monetary Fund to address socioeconomic inequality and food insecurity, the international community should address the deeper structural causes of poverty in the global South. That includes inequities in the rules governing international trade, ill-advised economic reforms imposed by international financial institutions, financial speculation on global commodity markets, biofuel policies, the dominance of transnational corporations in global food markets and the imposition of economic sanctions.

F. Empower Women and Girls and Promote Gender Diversity

International organizations are affording increased attention to gender discrimination, yet women and girls continue to face disproportionate discrimination in the form of regressive social and economic policies. Women and girls of colour, migrants, refugees, indigenous and non-middle-class women experience increased vulnerability while, the “gender empowerment” discourse promoted by States and many corporate actors is being used to cover up exploitative practices and dispossession of the commons. In 155 countries there is still at least one law on the books that limits women’s economic opportunities. Mainstreaming a gender perspective into food and agricultural policies will help ensure that women and girls are guaranteed the right to education, are no longer victims of early and forced marriage, are not subject to violence and are otherwise protected from human rights violations.

G. Promote Youth in Farming

The average age of farmers worldwide is rising at an alarming rate, threatening the future of family farming. Children engaged in agriculture are often victims of child labour, while youth populations legally permitted to work in the sector are abandoning agriculture, forestry and fisheries owing to poor access to information, a lack of key services (education, health care, transport and communications) and markets, as well as the perception that agriculture is unprofitable and unstable. To counter this narrative, States should provide essential services and improve technical knowledge and skills, and incentivize access to land, credit and other productive resources for youth. States should also adopt mechanisms and policies that transform agricultural work into decent employment with robust social protections.

H. Invest Responsibly in Technology and Regulate Innovation

Given that it is estimated that 60% more food will need to be produced by 2050, biotechnology may offer a critical toolbox of both low-tech solutions (such as biopesticides and biofertilizers) and high-tech solutions (such as those involving advanced genomics). However, as the “green revolution” has taught, an excessive focus on increasing production encourages a reliance on technology that inflicts major environmental damage and exacerbates social inequalities.

RECOMMENDATIONS TO SUPPORT THE RIGHT TO FOOD (CONT.)

Biotechnologies, mostly developed and owned by the private sector, are protected by patents and intellectual property rights. For instance, because of corporate oligopoly, four multinational agrochemical firms control over 60 per cent of global seed sales. Rather than being respected as belonging to a shared commons, patents are restricting farmers' freedom to preserve and exchange seeds and interfering with breeders' rights to use the seeds for research. Corporate agribusinesses have also increased investment in biotech and plant-based meat alternatives, demonstrating that there is a profitable market in food that does not contribute to climate change or environmental destruction. However, such technologies are often exclusionary, as they are not affordable for much of the world's population. Such "future of food" innovations should be developed so that all relevant actors have an equal opportunity to use and benefit from them

I. Invest in Agroecology and Traditional Knowledge

Investment should be diversified and reconciled with more responsible and sustainable food system methodologies, such as agroecology, as well as traditional knowledge. That requires a well-conceived shift away from industrial agriculture, which constitutes the main driver of the climate emergency, coupled with the promotion of transformative, resilient and sustainable practices. Agroecology avoids the use of dangerous biochemicals and pesticides; supports the local food movement; protects smallholder farmers, including women, and small fisheries; respects human rights; enhances food democracy, traditional knowledge and culture; maintains environmental sustainability; and helps to facilitate a healthy diet (see A/70/287).

J. Protect Scientific Integrity

There is a lesser known, but indisputable, human right to enjoy the benefits of scientific progress. That right is not only fundamental in itself, but is critical to the enjoyment of the human rights to life, health, adequate food and the environment. The Special Rapporteur has spoken out on unfathomable, insidious attacks on scientific integrity. Scientific discoveries concerning the threats posed by climate change, pesticides and sugar consumption to human and environmental health are most often caught in the crossfire. States should not allow government agencies and research institutes to become corrupted by short-sighted corporate interests. Global citizens must also call out those who threaten to silence the voices of scientists, academics and researchers, and condemn any threat of violence against those fellow citizens. Realizing the right to food requires the collective rejection of false claims and belief in the truth of well-founded science.

K. Enhance the role of civil society and protect human rights defenders

We have entered a new era for human rights, one that is dominated by populist governmental regimes spewing hateful rhetoric and promoting nationalism, authoritarianism and xenophobia over liberty and freedom. In that environment, fighting for human rights is becoming dangerous. In recent years, violent atrocities committed against human rights defenders, including those fighting for land rights and environmental conservation, have significantly increased. The UN verified 431 killings of human rights defenders, journalists and trade unionists in 41 countries between 2017 and 2018 (see E/2019/68). Civil society cannot allow impunity for human rights violations committed against human rights defenders and cannot shy away from fighting for rights in fear of retaliation (see A/74/159). Rather, civil society must seize every opportunity available to ensure that States fulfil their obligations to advance human rights and hold States accountable when they fail to act.

L. Promote Food Citizenship in Times of Urbanization

While States bear the primary obligation to realize the right to food, food is inherently local and individual, as well as communal. Rural populations play a critical role in the realization of the right to food, but cities are also major drivers of socioeconomic transformation and the epicentre of food markets. By 2050, 68 per cent of the world's population is expected to live in cities. Changing demographics and urbanization bring new challenges to and opportunities for global food policies.

RECOMMENDATIONS TO SUPPORT THE RIGHT TO FOOD (CONT.)

Consumers should carefully make food choices that respect the human rights of workers, protect future generations and promote the sustainability of the planet, instead of becoming disconnected from food systems (see A/73/164 and A/HRC/40/56). That comprehensive responsibility extends beyond the role of “consumers”, and can be most appropriately described as behaving as “food citizens”. Food citizens around the world are already calling for a new integrated food system between cities and rural communities based on democracy, participation and ecological principles. This positive trend is growing fast. Embracing “food citizenship” may take many forms, including support for greater urban-rural engagement, collective procurement and participation in food policy councils.

CONCLUSION

As the Special Rapporteur recognizes in her final report, eliminating hunger and malnutrition and realizing the right to food for the world’s citizens is a substantial undertaking. It is a goal that is particularly difficult to achieve in the light of the legal, political, economic and environmental conditions in the current world order. However, with a demonstration of political will and the transformation of aspirations into action, it is not unreachable. States must implement human rights instruments, ensuring that all players, not just powerful ones, are included in the decision-making process. Those who disproportionately suffer from hunger must be represented and afforded the opportunity to advocate for their rights. The world must remember that the human right to food is not unattainable, only unrealized. The Special Rapporteur thanks all the members of the Human Rights Council for lending her this platform and the opportunity to amplify the voices of the world’s hungry and food-insecure.