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A HUMAN RIGHTS PERSPECTIVE OF THE COMPREHENSIVE FRAMEWORK FOR ACTION : TOWARDS A UNIFIED UN RESPONSE TO THE GLOBAL FOOD CRISIS

In an attempt to devise a unified response to the global food crisis, the decision was taken at the 28-29 April 2008 Bern meeting of the Chief Executives Board of the United Nations system (CEB) to establish a High-Level Task Force (HLTF) on Food Security, chaired by the United Nations Secretary-General. The HLTF includes the relevant UN agencies, funds, and programmes, the World Bank, the World Trade Organisation, and the International Monetary Fund. It is coordinated by John Holmes, Under-Secretary-General for Humanitarian Affairs and United Nations Emergency Relief Coordinator. The HLTF held its first meeting on 12 May 2008. Its first objective is to put together a 'Comprehensive Framework for Action' (CFA) representing the consensus view of the agencies involved about how the immediate short-term needs should be met, and about the longer-term global strategy to ensure food security.

This note is a contribution to the development of the draft CFA from the perspective of the human right to adequate food, which constitutes a binding obligation imposed on all States under international law. It presents the context in which the note is prepared (1.). It then offers certain general considerations on the way the draft CFA is conceived (2.). It goes on to list a limited number of recommendations based on the operational consequences of the right to adequate food (3.).

1. The general context

At its Special Session of 22 May on the global food crisis,¹ the Human Rights Council recommended that the United Nations Food and Agricultural Organisation (FAO) invite the High Commissioner for Human Rights and the UN Special Rapporteur on the right to food to the High-level Conference on World Food Security held in Rome on 3-5 June 2008, so that they may ensure that the core elements of the States' obligations relating to the rights to food and to freedom from hunger be addressed from an operational perspective. The Special Rapporteur on the right to food has also been asked to present a set of recommendations at the 9th session of the Human Rights Council, on how the right to adequate food could be best implemented in the responses to the global food crisis, with a view to ensure its effective protection.

The set of recommendations which follow should be understood in this context. The recommendations derive from the perspective of the human right to adequate food, as stipulated in Article 25 of the Universal Declaration of Human Rights and in Article 11 of the International Covenant on Economic, Social and

¹ 7th Special session of the Human Rights Council on "The negative impact on the realization of the right to food of the worsening of the world food crisis, caused inter alia by the soaring food prices", Geneva, 22 May 2008 : <http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/7/index.htm>

Cultural Rights.² Elements of the CFA prepared within the HLTF have been presented informally on 4 June 2008, on the occasion of the High-level Conference on World Food Security held in Rome on 3-5 June 2008. However, since the CFA is currently still under development and is a living instrument, these comments from the Special Rapporteur on the right to food remain at a relatively high level of generality, instead of focusing on specific formulations in the version of the document on which the comments are based.

2. General considerations

The HLTF is to be commended for having managed to set up a plan of action, as presented in the draft CFA, representing the consensus view of agencies and organisations approaching the global food crisis from very different perspectives, at an impressive level of detail. This is a particularly remarkable achievement, taking into consideration not only the amount of time available to prepare a first version of the draft CFA, but also the fact that the current situation is very much the result of structural factors for the emergence of which the international community, including the international financial institutions, bears a significant responsibility.³ The draft CFA contains an implicit, but unmistakable, recognition of these past failures.

International law recognizes a human right to adequate food and a right to be free from hunger. This contribution stems from the idea that a reference to the human rights framework, on which States have achieved a consensus, could strengthen further the prescriptions contained in the draft CFA, and that the document could therefore be further improved by such reference. For instance, the draft CFA puts forward specifically the needs of the most vulnerable populations, particularly pregnant women, nursing mothers and children. It notes in this regard the potentially irreversible consequences of malnutrition during pregnancy and during the first 24 months on the physical and mental development of the child. This emphasis could be complemented and further reinforced by a reference to the requirement of non-discrimination, and to the need to prioritize the most vulnerable segments of society, as stipulated under existing human rights instruments.

Similarly, when discussing the provision of food aid, the draft CFA notes that local purchases should be encouraged where food aid is needed. This is a prescription contained in General Comment No. 12 adopted by the UN Committee on Economic, Social and Cultural Rights.⁴ Guideline 15 of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security⁵ also requires, in particular, that the provision of food aid support the national efforts of receiving States to achieve food security, rather than be imposed or decided upon unilaterally; and it requires that donor States provide assistance in a manner that takes into account the importance of not disrupting local food production and the nutritional and dietary needs and cultures of recipient populations. Guideline 15 further recommends that food aid be provided with a clear exit strategy and avoid the creation of dependency. Donors should promote increased use of local and regional commercial markets to meet food needs in famine-prone countries and reduce dependence on food aid. Wherever possible, aid in cash, allowing agencies such as the World Food Programme to buy food on the local markets or in the neighbouring regions in order to provide food to the most vulnerable segments of the population, would be preferable to aid in kind (Guideline 15.1). In the distribution of aid, in addition, beneficiaries should be

² The right to adequate food is recognized under Article 25 of the Universal Declaration of Human Rights (G.A. Res. 217 A (III), U.N. Doc. A/810, at 71 (1948)), and under Article 11 of the International Covenant on Economic, Social and Cultural Rights (adopted on 16 December 1966, G.A. Res. 2200(XXII), U.N. GAOR, 21st sess., Supp. No. 16, U.S. Doc. A/6316 (1966), 993 UNTS 3), as interpreted by the Committee on Economic, Social and Cultural Rights (General Comment No. 12: The right to adequate food (1999), UN doc. E/C.12/1999/5). These prescriptions are complemented by the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security* adopted by the Member States of the FAO General Council in November 2004, which are a set of recommendations addressed to States for the implementation of the human right to adequate food.

³ For an analysis of the factors behind the global food crisis, see the Background note presented by the Special Rapporteur on the Right to Food, 2 May 2008 : <http://www2.ohchr.org/english/issues/food/index.htm>. See also, for an equally welcome effort at drawing lessons from past mistakes in development planning, The World Bank, *World Development Report 2008 – Agriculture for Development*, 19 October 2007.

⁴ See para. 39 : ‘Food aid, as far as possible, be provided in ways which do not adversely affect local producers and local markets, and should be organized in ways that facilitate the return to food self-reliance of the beneficiaries. Such aid should be based on the needs of the indented beneficiaries’.

⁵ See above, n. 2.

carefully targeted and specific attention should be paid to the situation of vulnerable groups, particularly women and children, indigenous peoples, and refugees and displaced persons who depend on aid for their subsistence.

As illustrated by the examples of non-discrimination and of the provision of food aid, a reference to the normative framework derived from the right to adequate food could provide a useful guide to the national governments – to whom the Comprehensive Framework of Action is addressed, in addition to guiding the UN agencies –. This could encourage other actors, including national human rights institutions and civil society organisations, to support the initiatives adopted by governments under the CFA, and to monitor such initiatives within their respective mandates.

The following comments are made with this objective in mind. They are meant as a constructive contribution to the debate on how to improve further the draft CFA, from the perspective of the right to adequate food.

3. Taking into account the right to adequate food

In its current composition, the HLTF does not include an agency specifically tasked with the human rights dimension of the initiatives developed to tackle the global food crisis. It is all the more important that the right to adequate food and other human rights be mainstreamed in these initiatives. It is currently envisaged that, following the finalization of the Comprehensive Framework for Action (CFA), the HLTF will continue to form the center for policy and coordination at headquarters level. As the following paragraphs illustrate, including this perspective has the potential of significantly enriching the panoply of policy prescriptions made to national governments, including both recipient and donor governments in the context of food aid, and to UN agencies ; and it would ensure that the prescriptions which are made prioritize the needs of the most vulnerable segments of society, as required under a human rights framework.

Far from being of purely symbolic value, a reference to the obligation of all States and UN agencies to contribute to the realization of the human right to adequate food has operational consequences, which could both strengthen and improve the sustainability of the responses to the current crisis. Four consequences in particular follow from taking this right into account. They concern, respectively, the development by States of national strategies for the realization of the right to adequate food (3.1.), the relationship between their obligations under trade agreements and their human rights obligations (3.2.), the focus on smallhold farmers in the responses to the current crisis (3.3.), and the obligation of all States to contribute to establishing an international environment which enables each State to respect, protect and fulfil the right to food (3.4.).

3.1. A truly comprehensive framework of action must include the human rights dimension

The CFA, in its current version, focuses on the *humanitarian* dimensions of the current crisis – emphasizing the need to feed the hungry and bring immediate support to farmers for the next harvests – and on the *macro-economic policies*, in particular as regards trade and taxation policies, which should ensure food security in the mid- and longer-term. Crucial though as these dimensions are, a third dimension, focused on *governance and accountability mechanisms* to ensure the realization of the right to adequate food, should complement this framework for action.

The human right to adequate food requires the adoption of measures which, at national level, might better shield the vulnerable segments of the population from increases in the prices of food commodities – the net food buyers, whether or not they are agricultural producers, and particularly the urban poor and landless labourers. The UN Committee on Economic, Social and Cultural Rights, the independent experts body tasked with interpreting the International Covenant on Economic, Social and Cultural Rights, has insisted on the need for States to work towards ‘the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles that define the objectives, and the formulation of policies and corresponding benchmarks’.⁶ Such a national strategy should comprise the establishment of appropriate institutional mechanisms, particularly in order to : (i) identify, at the earliest stage possible, emerging threats

⁶ General Comment No. 12, para. 21.

to the right to adequate food, by adequate monitoring systems ; (ii) improve coordination between the different relevant ministries and between the national and sub-national levels of government ; (iii) improve accountability, with a clear allocation of responsibilities, and the setting of precise timeframes for the realization of the dimensions of the right to food which require progressive implementation ; and (iv) ensure the adequate participation, particularly, of the most food-insecure segments of the population.

As part of such a national strategy, States should adopt a framework legislation ensuring that the right to food is justiciable before national courts or that other forms of redress are available, so that in situations such as the current one when the prices of food undergo a sudden increase, the other branches of government will not be allowed to remain passive. Such accountability mechanisms may contribute to ensure that, where macro-economic or social policies are misguided or are not well targeted (for instance because they underestimate the needs of certain segments of the population or of certain regions), this will be identified at an early stage and corrected.

While the draft CFA does advocate the development of a National Food Security Strategic Program Framework, based on an assessment of the key needs and specific areas of vulnerability, this is not couched in human rights terms, and it is conceived solely as a tool to guide policy-making at the national level. Thus, the dimension of accountability remains absent, and the establishment of recourse mechanisms for the victims of violations of the right to food is not recommended. Instead, these dimensions would be present if the national strategies were grounded on the recognition of the right to adequate food, and if courts or other mechanisms, including national institutions for the promotion and protection of human rights or ombudsinstitutions, were tasked with monitoring whether the different branches of government fulfil their duties under the said national strategy, either on their own initiative or on the basis of complaints by individuals or groups aggrieved.

3.2. The primacy of human rights obligations over other international obligations of States

The draft CFA emphasizes the role of international trade in contributing to food security. It rightly adds the proviso, however, that the international trade system needs to be 'equitable' if it is to contribute to this objective.

The reference to the international trade regime as having to contribute to food security rather than undermine it is explicit in the Preamble to the Agreement on Agriculture,⁷ and it is implicit in the reference to sustainable development in the Preamble of the Agreement establishing the World Trade Organisation. From the perspective of the right to adequate food, it is important not to fall into a dichotomous view opposing trade in agricultural products to food self sufficiency, as if this were the sole alternative presented to States. Instead, in order to be compatible with the right to adequate food, the international trade regime should contribute to creating an enabling international environment, allowing States to develop national strategies ensuring the realisation of this right. At a minimum, the impact of trade liberalization should be regularly monitored, and adequate mitigation or compensatory measures should be adopted in order to ensure that the needs of any group negatively affected by such measures be appropriately addressed. But this has two further implications.

First, it requires that the international trade regime comprise sufficient flexibilities, allowing States to prioritize the right to food above trade liberalization, in situations where conflicts occur, particularly where import surges may threaten their domestic agricultural sector. In particular, the right to adequate food should guide the interpretation of the Marrakesh Decision of Measures Concerning the Possible Negative Effects on the Reform Programme on Least-Developed and Net Food-Importing Developing Countries. Efforts should be undertaken to clarify how this could be made operational and the Special Rapporteur would be happy to engage in such discussion with all relevant stakeholders.

⁷ The Agreement makes reference to 'non-trade concerns, including food security and the need to protect the environment' (6th preambular paragraph).

Second, ensuring the compatibility of the regime of international trade in agricultural products with the right to adequate food means that States should avoid prioritizing cash crops for export to foreign markets, where this may lead to food insecurity resulting from insufficient provisioning of the domestic markets combined with a low purchasing power of the local population and balance of payments problems linked to the import by the State concerned of food commodities. It should be noted in this regard that the efficiency-based argument of specialisation of countries in accordance with their comparative advantage, which constitutes the main argument in favor of trade liberalization, should be balanced against the risks resulting for local producers from the volatility of prices on international markets and from the unequal competition between foreign producers heavily supported by their States and local producers not benefiting from similar levels of support.

Where a State must choose between its obligations under trade agreements and its obligations under human rights treaties, the latter must prevail. This follows from Article 103 of the Charter of the United Nations, **affirming that ‘in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail’**. As regards at a minimum the right to be free from hunger, recognized under Article 11(2) of the International Covenant on Economic, Social and Cultural Rights, it also follows from the *jus cogens* status of this right. The draft CFA should make explicit the hierarchy between these different international obligations of States, and it should treat trade liberalization in agricultural products as a means to the end of supporting food security, rather than as an end in itself. Indeed, this would better reflect the overarching purpose of the agreements concluded under the World Trade Organisation framework.

3.3. Helping smallholder farmers in a sustainable fashion

Smallholder farmers represent approximately 450 million households living off 2 ha or less of land, representing 1.5 billion people in the world. The draft CFA recognizes that this category of producers should be targeted as a matter of priority in the responses, at the global and national levels, to the current food crisis. This is important for three reasons. First, the overwhelming majority of the 862 million people who are food insecure live in the rural areas, and live off agriculture on small surfaces of cultivated land. In a perspective focused on the right to adequate food, it is therefore on these households that the efforts must be focused, although simultaneously attention must be paid to the situation of the urban poor, who are net food buyers and therefore will be particularly severely impacted by the increase in food prices.

Second, while the current increase in global food prices represents in certain respects an opportunity, since it could attract investment to agriculture and has the potential to lead to an increase in the revenues of the poorest – smallhold farmers in developing countries –, it would be a mistake to believe that such price signals, per se, would be sufficient to lead to an increase in investment, and thus to productivity per hectare, and in turn to increased revenues. The draft CFA recognizes this fully, by underscoring the need to boost smallholder farmer food production. In other terms, the private sector and market mechanisms will not suffice to provoke the urgently needed rise in productive investments in the agricultural sector, particularly in Sub-Saharan Africa : an affirmative intervention by the public authorities is required.

But the emphasis on the need to support smallhold farmers is also significant for a third reason. It constitutes a recognition of the need to ensure that the rush towards raising the level of food production does not operate at the detriment of smallscale farming. In the view of the Special Rapporteur, this requires that the responses of the international community and of national governments do not lead to an increased dependency of smallhold farmers on expensive external inputs, and particularly on improved seeds protected by intellectual property rights regimes or on inorganic fertilizers whose prices are closely aligned with the price of oil.

In the context of the current global food crisis, there exists a strong temptation to prescribe ready-made solutions to boost agricultural productivity, modeled on the ‘Green Revolution’ which occurred in South Asia in the 1960s. But opportunities should not necessarily be taken for solutions ; and the focus on food production and on the immediate improvement of productivity should not be exclusive of other considerations. Instead, there exists an equally urgent need to improve the long-term resilience of

smallholder farmers to external shocks and climate change, and to take into account the social and environmental dimensions of agricultural production. In this respect, it is important to note the risks associated with the intensification of production systems, through fertilizer input schemes. It is clear that, in many cases, this may be required, given the soil depletion which represents a significant threat to productivity in many developing countries. At the same time however, the effort towards increasing agricultural productivity should take into account the existing alternatives, particularly forms of farming such as Low External Input Agriculture which may prevent an increased dependency of farmers on high-priced external inputs and lead to more sustainable forms of production.

3.4. The shaping of an enabling international environment: an international consensus on agrofuels ; regulating speculative investments in food markets ; and reducing imbalances of power in the food chain

The draft CFA rightly notes that official development assistance should replace agriculture at its centre. It would be desirable to set quantitative targets in this respect, for example in order to aim at 10% of ODA to agriculture-based countries going to agriculture by 2010 (in comparison to approximately 4% in 2007). This however should not be at the detriment of other priorities, particularly in the areas of health and education. It should therefore be part of a larger effort of donor States to raise their overall level of ODA. Consistent with the Paris Declaration on Aid Effectiveness, it should fit into the national poverty-reduction strategies of beneficiary States : agriculture-based countries should match the increased effort of the international community by dedicating a similar percentage of their national budget to the agricultural sector.

Transfers of resources through development cooperation is thus necessary. But international solidarity should not and is not limited to this dimension. And, whether or not the obligation of international assistance and cooperation under the International Covenant on Economic, Social and Cultural Rights includes a requirement that developing States be assisted through a transfer of resources – something which remains a matter of contention –, this instrument at the very least clearly imposes international, or extraterritorial, obligations on States. This means that States should not only respect, protect and fulfil the right to adequate food on their national territory, but are also under an obligation to contribute to the realization of the right to food in other countries. It is in this light that we should under the commitment of States under the Covenant, ‘taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need’ (Article 11.2 (b)).

Such international obligations do not consist primarily in transferring resources to developing States. Instead, the International Covenant on Economic, Social and Cultural Rights clearly requires that States cooperate in the identification and elimination of the obstacles to the full realization of the right to food.⁸ Although it does not provide a catalogue of measures which might constitute ‘international assistance and cooperation’ as required by the Covenant, it is clear at least from Article 23 of the Covenant that such obligation is not limited to the provision of financial assistance.⁹ Rather, it should be understood as having three implications, corresponding respectively to an obligation not to pursue policies which impact negatively on the right to adequate food ; an obligation to control private actors whose behavior States may influence ; and an obligation to cooperate internationally in order to realize the right to food :

- First, there is an obligation to reexamine, with a view to its modification, any policy which has been proven to impact negatively upon the right to adequate food, or upon the right of every individual to be free from hunger and malnutrition. It does not matter whether such impacts are documented within the State which is the author of the measure, or whether such impacts occur outside the national territory of that State, as long as there exists a clear causality link between the policy in question and the enjoyment of the right to

⁸ This is also the clear implication of Article 56 of the Charter of the United Nations, as reaffirmed in paragraph 34 of the Vienna Declaration and Programme of Action adopted at the Vienna World Conference on Human Rights of 14-25 June 1993 (UN Doc. A/CONF.157/23, 12 July 1993).

⁹ This article states that ‘international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned’.

adequate food.

- In addition, as noted by the Committee on Economic, Social and Cultural Rights,¹⁰ there exists an obligation of all States to effectively protect the right to food by regulating the activities of companies at all levels of the system of production and distribution of food, consistent with the FAO Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security¹¹ and with the framework proposed by the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises.¹² It will be noted in this regard that the Human Rights Council has requested private actors ‘to take fully into account the need to promote the effective realization of the right to food for all’.¹³

- Thirdly, the obligation imposed on all States under Article 56 of the Charter of the United Nations to take joint and separate action to achieve the full realization of human rights and fundamental freedoms, which should be read to include the right to adequate food, is not limited to abstaining from the adoption of measures which impact negatively on the enjoyment of those rights. As clearly indicated by the wording of Article 23 of the International Covenant on Economic, Social and Cultural Rights, it may encompass the adoption of measures, in particular in the form of the negotiation of international agreements.

Taking into account these international obligations requires us to identify which coordinated reaction from the international community is required in order to address the situation created by the increase in the prices of food on international markets, guided by the obligations of all States under international law to respect the right to adequate food. Such a coordinated reaction should address not only the short-term impacts of the current crisis, but also the structural causes which lead to soaring food prices. But the draft CFA is not entirely satisfactory in this regard. It recognizes the need to reassess the development of agrofuels and its impact on food security, and to develop an international consensus on sustainable agrofuels. It also notes that it may be required to regulate the role of speculative investments in food markets, although it does so discreetly.¹⁴ In contrast, it remains silent on the imbalances in the food production and distribution chain. But such imbalances must be addressed, if indeed the objective of the CFA is to contribute to support smallhold farming.

Farming, it may be recalled, is one of the few businesses that pays retail prices for inputs and sells its products at wholesale prices. At both ends of the chain (intrants producers and retailers) and in the middle (the food processing sector), the degree of concentration is particularly high. If this is left unchecked, the resulting imbalances in power may constitute a major obstacle to an efficient functioning of the food chain. Indeed, the role of multinational corporations in the agribusiness sector was noted by the World Bank in its latest *World Development Report 2008*, which emphasized that the concentration of market power in the agribusiness sector is particularly important, as measured by the share of market of the 4 dominant actors (CR4). High market concentration rates, the Bank noted, result in widening the spread between world and domestic prices in commodity prices for wheat, rice, and sugar, for instance, which more than doubled between 1974 and 1994.¹⁵ The end result is that developing countries’ claim on value added declined from

¹⁰ General Comment No. 12: The right to adequate food (1999), UN doc. E/C.12/1999/5, para. 19 (referring to the failure by States to regulate activities of individuals or groups so as to prevent them from violating the right to food of others as an instance of the violation of the right to food).

¹¹ See para. 4.3. of the Guidelines.

¹² See A/HRC/8/5 (7 April 2008).

¹³ See Human Rights Council Resolution 7/1, 27 March 2008, para. 13.

¹⁴ The impact of speculative investment in agricultural futures markets is well documented, for instance in the recent *OECD-FAO Agricultural Outlook 2008-2017*, presented on 29 May 2008. See *OECD-FAO Agricultural Outlook 2008-2017*, 29 May 2008, at p. 36. The large influx of funds from financial investors into agricultural futures and options markets has raised concerns that this may have driven up prices and contributed to the volatility of prices – a volatility which is in the interest neither of consumers, which pay higher prices as a result, nor of producers, for whom credit may become unaffordable as a result, nor of governments, whose social programmes may have to bridge the gap between the incomes of the poorest and their needs. While market mechanisms may have a useful role to play, the harmful impact of speculation on food commodities must be addressed, and this should be a component of any plan of action adopted by the international community to tackle the current crisis.

¹⁵ The report notes in this regard (at p. 136): ‘The high concentration in multinational agribusiness is evident in coffee, tea, and cocoa. Coffee is produced by an estimated 25 million farmers and farm workers, yet international traders have a CR4 of 40 percent, and coffee roasters have a CR4 of 45 percent. There are an estimated 500 million consumers. The share of the retail price retained by

around 60 percent in 1970–72 to around 28 percent in 1998–2000. Small and unorganized farmers, in particular, facing large corporations both as suppliers of intrants and as buyers of their produce, are in such a weak bargaining position that they may hardly benefit from the increase of prices on the global markets. This only underscores the importance of supporting smallholder farmers and their organizations, including in the poorest and most remote areas, to enable them to play an effective role in meeting the rising demand for food ; and of exploring with the agribusiness sector which contribution it could make to this objective. Proposals need to be explored in this respect and the Special rapporteur would be happy to engage in such discussion with all relevant stakeholders. It is however regrettable that bringing about improvements in the food production and distribution chain is not listed by the draft CFA among the factors which could contribute to building longer-term resilience and contributing to global food security.

It may be noted that, in certain respects, the menu of actions recommended under the draft CFA may lead, in time, to increase – not decrease – the dependency of smallhold farmers on large agribusiness corporations, resulting from the verticalisation of the food chain. The question of intellectual property rights deserves a specific mention here. Wherever necessary, consistent with Article 15 of the International Covenant on Economic, Social and Cultural Rights and General Comment n° 17 (2005) of the Committee on Economic, Social and Cultural Rights, a balance may have to be struck between the intellectual property rights of corporations holding patents on seeds, fertilizers, or pesticides, and the need to ensure that agricultural inputs remain affordable for smallhold farmers and that they receive a fair remuneration from their work.

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coffee-producing countries—Brazil, Colombia, Indonesia, and Vietnam account for 64 percent of global production—declined from a third in the early 1990s to 10 percent in 2002 while the value of retail sales doubled. Similar concentrations are observed in the tea value chain where three companies control more than 80 percent of the world market. Cocoa has a CR4 of 40 percent for international traders, 51 percent for cocoa grinders, and 50 percent for confectionary manufacturers.’