

1 May 2021

**Response to the call for inputs on “Call for Inputs Healthy and Sustainable Food: Reducing the Environmental Impacts of the Global Food System on Human Rights”, issued by the UN Special Rapporteur on human rights and the environment.**

FIAN International[[1]](#footnote-1) is pleased to submit the following input to the Special Rapporteur’s report. The information provided is based on both our own work and consultations with partner organizations[[2]](#footnote-2).

**General Remarks**

There are **numerous food systems** which combine, serve and support multiple public objectives within all domains of sustainable development, such as the protection and regeneration of nature, health and well-being, protection of labor and livelihoods, of culture, knowledge and governance. For the full realization of the Right to Food and Nutrition (RTFN) and other interconnected human rights as well as the protection of the planet and its biodiversity, and sustainable development food systems have to be realigned with these multiple domains of life.

The current **hegemonic food system, agro-industrial production models and increasing commodification of nature** are main drivers for the creation of different forms of malnutrition and the decrease of the diversity and quality of our food and diets, as well as for the environmental destruction and climate crisis that we are witnessing, and are not appropriate to respond to the existing malnutrition problems.

Increasing **financialization** of the economy has further increased pressure on natural resources and ecosystems, has accelerated global warming and exacerbated human rights violations and abuses.[[3]](#footnote-3)

**Science[[4]](#footnote-4) and scientific research and knowledge production** are increasingly controlled by corporate interests. This refers specifically to the fact that the definition of research priorities is increasingly corporatized, and thus are biased towards outcomes that serve private interests. There is the need to recognise diverse sources of knowledge and to place the ability of people to define in a self-determined way what kind of science, knowledge and technology they need and want in the centre.

**Digitalization** of land and land administration data, as well as automatized land transactions using blockchain technology and smart contracts risks facilitating land grabbing. In addition, digital technologies are used to increase surveillance of farm workers as well as food processing and retail facilities, reducing their space to freely associate in trade unions and struggle for their labor and human rights.[[5]](#footnote-5) Corporations, wealthy individuals as well as local elites are using new digital tools to appropriate lands, resulting in the displacement of families and entire communities.[[6]](#footnote-6)

The current **trade system** leaves out the broader right-to-food perspective. Trade agreements in place in particular the WTO Agreement on Agriculture have protected powerful countries and larger corporations, and have not ensured fair international markets nor benefiting poorer countries, whose economies depend on the agricultural sector.[[7]](#footnote-7)

**Agroecological and other innovative approaches** are required to bring about transitions to diversified and resilient food system transformations to ensure sustainable and healthy diets. Innovations include changes in practices, norms, markets and institutional arrangements, which may foster new networks of food production, processing, distribution and consumption that may challenge the status quo. Innovations, which include but are not limited to technologies, must be appropriate to the context, affordable, accessible and respond to the needs of family farmers.[[8]](#footnote-8)

A **systemic transition** of food systems towards more sustainable, healthy and just ones needs adequate institutional and policy frameworks that foster cross-sectoral collaboration and coherence among sectoral policies, while prioritizing the human right to adequate food and nutrition as a legal framework for ensuring food sovereignty and sustainable food systems.[[9]](#footnote-9) [[10]](#footnote-10)

Following are our answers to selected questions:

We would like to highlight examples already mentioned in our previous submission[[11]](#footnote-11)**,** particularly related to deforestation and destruction of eco systems through the expansion of industrial agriculture, pollution by the use of pesticides, reduction of agricultural biodiversity through the push for industrial seeds and genetically modified organisms (GMOs)[[12]](#footnote-12) accompanied by the expansion of intellectual property rights (IPR) regimes. The sequencing of genetic information, which is happening at a fast pace, and which, in combination with patents on genetic sequences/native traits, undermines peasants’ and indigenous peoples’ rights over their seeds, and poses additional threats to the protection of their knowledge, innovations and practices.[[13]](#footnote-13)

In addition, the following areas are of particular concern:

**Aquaculture** has become the fastest growing food industry and provides most attractive investment opportunities within a very short span. Once a source of livelihood and food sovereignty for small-scale producers, the sector has become a priority investment asset for corporate and finance capital and through mergers and acquisitions the production is becoming extremely centralised in the hands of fewer and bigger owners. Technological development, capital investment, and policy reforms have profoundly transformed aquaculture, but equally crucial is the political backing (both national and international) and a push for more aquaculture in the name of feeding a growing population, creating jobs, combating overfishing, and addressing climate change. However, the new wave of aquaculture is causing damage to nature and climate and has profound negative consequences for fishing communities who contribute to half of global fish catches and employ more than 90% of people in fisheries.[[14]](#footnote-14)

Due to subsequent changes in the ecosystems of Chilika Lake in Odisha, **India**, caused by increased aquaculture (loss of fish catch, alternation in salinity of coastal freshwater aquifers and ground water, change of currents, etc.), fishers can no longer rely on fishing for sustaining their livelihood and the continuous conversion of farm and grazing lands to shrimp farms affects local food systems. [[15]](#footnote-15) [[16]](#footnote-16)

In **Thailand**, many local fishers have lost their livelihood due to massive encroachment, they suffer from indebtedness [[17]](#footnote-17)and are to take up irregular jobs.[[18]](#footnote-18) As of today, 59% of coastal and coastal fishing areas have been lost to aquaculture.[[19]](#footnote-19)

The expansion of shrimp aquaculture in **Ecuador** has led to the dispossession of estuarine harvesters. There is an alarming increase of violence and killings.[[20]](#footnote-20)

**Industrial agriculture and intensive animal production** is structurally and functionally intimately articulated with the ultraprocessed food industry. The excessive consumption of these products as a major determinant of the high prevalence of metabolic diseases is thus related to severe COVID-19 cases and deaths. Measures to protect and strengthen traditional agro-ecosystems and to promote the consumption of fresh food for healthy eating, is of fundamental importance for the body to generate an adequate immune response. [[21]](#footnote-21)

Human rights obligations are threefold: respect, protect and fulfil. The obligation to respect, entails that the State must refrain from actions or measures which can impact on human rights, for instance they need to protect water bodies and soils from toxic pesticides so that people can fulfil their right to life, water and sanitation, food, health and others. The obligation to protect requires States to protect individuals from the infringement of their human rights from others, and example can be that states must regulate advertising and marketing in a way that consumers are informed about the risks of certain products, for instance ultra-processed foods and beverages. The obligation to fulfil entails that the state must facilitate and provide human rights, for instance, by creating sustainable and healthy food environments to foster healthy and sustainable diets.

For the needed radical transformation of food systems, based on human rights and food sovereignty, addressing governance is key: Those most affected by hunger, malnutrition and ecological destruction must be prioritized and meaningfully participate in policy making and implementation. People need to be able to decide over their food systems and corporations must be regulated. Policy frameworks should therefore clearly distinguish and ensure appropriate roles for different actors, including the adoption of robust safeguards to protect against corporate capture and conflicts of interest resulting from inappropriate relationships with the corporate sector. Key to upholding the public interest are also strong accountability mechanisms to ensure the human rights orientation of public policies. The progressive realization of human rights throughout food systems requires that states uphold also their extraterritorial human rights obligations. Food must be recognized and treated as a human right and a common, not as a mere tradeable good. Food systems must be local or regional, they must recognise the historical process of production and food. They must include the voice and interests of those who live in the territories. They must recognise agroecology and other innovative approaches, they must include the vision of women, they must recognise the value of food preparation not only to alleviate hunger, but to sustain a dignified life.

Agroecology as a science, practice and movement has proven to be the pathway towards sustainable, just and healthy food systems that foster sovereignty, preserve the environment and traditional knowledge, protect and increase biodiversity, and strengthen sustainable smallholder food production and are resilient. [[22]](#footnote-22) According to the states obligations outlined in UNDROP, states should stimulate sustainable production, including agro ecological and organic production, whenever possible.[[23]](#footnote-23)States should take measures aimed at the conservation and sustainable use of land and other natural resources used in peasant production, including through agroecology, and ensure the conditions for the regeneration of biological and other natural capacities and cycles.[[24]](#footnote-24) As a part of their obligation to devote the maximum of their available resources to the progressive realization of the right to food[[25]](#footnote-25), states are encouraged to adopt public policies that could support and encourage the transition to agroecology.[[26]](#footnote-26)

The study on agroecology in West Africa provides examples for policies and programs to promote agroecology at national level[[27]](#footnote-27).

In this connection we reiterate the examples highlighted in our previous submission.[[28]](#footnote-28)

Relevant in this context is also the work of the International Food Security & Nutrition Civil Society Mechanism (CSM) related to territorial markets[[29]](#footnote-29).

Another relevant example refers to the **Brazilian National School Meals Program (PNAE)**, which is the oldest and most important Brazilian food and nutritional security policy for the realization of schoolchildren’s human right to adequate food and nutrition. (Kindly refer to Annex 1 for more details.)

On December 27, 2019, as a consequence of sustained advocacy by FIAN Colombia, the District Council of the City of Cartagena de Indias adopted Agreement 0021 of 2019. This agreement empowers the mayor of the city to adopt a public policy for the promotion of healthy food school environments, from a focus on the realization of the RTFN. (Kindly refer to Annex 2 for more details.)

In Nepal, in 2021, responding to a writ petition against the operations of Ghorahi Cement Industry and the District Administration Office in the High Court of Tulsipur, Dang District, Lumbini Province, the High Court issued an interim order to Ghorahi Cement Industries to immediately stop environment pollution and use appropriate mitigation measures. (Kindly refer to Annex 3 for more details.)

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Eviction and loss of livelihood in relation to the transfer of people’s land in Jagatsinhpur district of Odisha, India to JSW Utkal Steel Ltd. (JUSL) is continuing in disregard of established legal frameworks and instead of following due procedures and free, prior consent of the affected communities. It has severe negative consequences for the environment and results in grave human rights violations for the villagers.[[30]](#footnote-30)

Based on FIAN’s long standing work in all regions of the world, we would like to highlight the importance of small-scale food producers’ right to land and other natural resources for sustainable food systems. This refers particularly to the protection of tenure rights and systems (including, in particular, collective and/or customary rights) as well as an equitable distribution of land and other natural resources (in particular through restitution and redistribution). [[31]](#footnote-31)

In addition, it is paramount to protect and promote peasants’ and indigenous peoples’ seed systems. These ensure the adaption of seeds, crops and varieties to changing environmental conditions and ensure resilience in the face of shocks, disruptions and emergencies, based on the management practices, deep knowledge and innovations of rural people. Peasants’ and indigenous peoples’ seed systems are central to the realization of rural people’s right to seeds (enshrined as “farmers’ rights” in the ITPGRFA).[[32]](#footnote-32)

The example of exports of highly hazardous pesticides such as carbendazim, chlorfenapyr, and saflufenacil illustrates how Bayer and BASF are massively violating their due diligence obligations regarding human rights. In the cases presented in South Africa and Brazil, several human rights are violated.[[33]](#footnote-33)

*Annexes*

*Annex 1*

PNAE is universal and serves about 41 million public elementary school’s students in all Brazilian states and municipalities, with a budget of about R$ 4 billion (ca. USD 740 million) per year.

PNAE legal act – Bill no. 11.947/2009 – establishes the program's guidelines, among them the universality of care, the usage of healthy and adequate food, the inclusion of food and nutrition education in the teaching and learning process, the participation of the community in social control, the right to school meals, and support for sustainable development, with incentives for the purchase of diversified foodstuffs, produced locally and preferably by small-scale agriculture and peasant’s entrepreneurs, prioritizing indigenous and quilombola communities.

To comply with this last guideline, PNAE legislation determines that at least 30% of the federal funds transferred to states, municipalities, and the Federal District must be used to purchase food from small-scale agriculture and peasant’s entrepreneurs or their organizations, whenever possible, in the same federative entity where the schools are located. In addition to the priority of acquiring food from indigenous communities and quilombolas, priority must be given to agrarian reform settlements and suppliers of foodstuffs certified as organic or agro-ecological.

Furthermore, the legislation established important changes to be implemented as of 2021, for example, the restriction of the acquisition and supply of ultra-processed products and the increase in the minimum weekly frequency of fruits and vegetables on the menu. It should also be noted that the menu must be based on the use of fresh or minimally processed foods and be based on sustainability, seasonality, and agricultural diversification of the region, and on the promotion of adequate and healthy food.

Finally, in 2020, Technical Note No. 03/2020/6th from the Public Prosecutor’s Office was published, making it less bureaucratic and more flexible to adapt to health requirements for the marketing and consumption of foods produced by traditional peoples and communities under PNAE. This measure favours the acquisition of locally produced foods, biodiversity, stimulates the development of sustainable activities, promotes food sovereignty and reduces impacts on the environment.

*Annex 2*

Agreement 0021 of 2019 adopted by the District Council of the City of Cartagena de Indias:

Among the guidelines that should guide the policy are:

1. emphasize the importance of healthy eating for all members of the educational community;
2. (ii) advance pedagogical, communicative and informative actions to the entire educational community, on healthy eating, obesogenic environments and creation of healthy school food environments;
3. (iii) dissemination of food-based dietary guidelines; and,
4. (iv) develop mechanisms to ensure the supply of natural foods (as opposed to ultra-processed edible products -PCU, technical denomination of junk food), its advertising and consumption, in school stores and the School Feeding Program.

FIAN Colombia is technically supporting the process of elaboration of this policy, also towards an effective participation of rights holders, and to keep this process free from industry interference and corporate capture.

*Annex 3*

The High Court also ordered the industry to follow the recommendation of the inspection report of the Ministry of Population and Environment, Department of Environment to use equipment such as filter, sprinkle water etc. to control the adverse effects on the environment. [[34]](#footnote-34)

1. www.fian.org [↑](#footnote-ref-1)
2. World Forum of Fisher Peoples (WFFP), World Forum of Fish Harvesters and Fish Workers (WFF), particularly WFFP members in India, Ecuador and Thailand, and WFF member in Tanzania; FIAN Brazil, FIAN Colombia and FIAN Nepal; [↑](#footnote-ref-2)
3. FIAN International, Transnational Institute, Focus on the Global South.2020. Rogue Capitalism and the Financialization of Territories and Nature. Available at: <https://www.fian.org/en/publication/article/rogue-capitalism-and-the-financialization-of-territories-and-nature-2621> [↑](#footnote-ref-3)
4. Committee on Economic, Social and Cultural Rights (CESCR) Draft General Comment on Science. Submission by FIAN International. February 14, 2020. Available at: <https://www.ohchr.org/EN/HRBodies/CESCR/Pages/DraftGeneralComment_Science.aspx> [↑](#footnote-ref-4)
5. FIAN International. 2021. Disruption or Déjà Vu? Digitalization,Land and Human Rights: Case Studies from Brazil, Indonesia, Georgia, India and Rwanda. Available at: <https://fian.org/en/press-release/article/digital-technologies-cut-off-access-to-land-2699> [↑](#footnote-ref-5)
6. A case in point is Mirador State Park in Brazil, where agribusiness companies have encroached into a 700,000-hectare conservation area using digital land registries, dispossessing hundreds of families from lands where they have been living for generations. Ibid.p.16-17. [↑](#footnote-ref-6)
7. Fakhri, Michael. The right to food in the context of international trade law and policy: Interim report of the Special Rapporteur on the right to food. 22 July 2020. Available at: <https://undocs.org/en/A/75/219> [↑](#footnote-ref-7)
8. Civil Society and Indigenous Peoples' Mechanism for relations with the UN Committee on World Food Security Zero Draft. Recommendations on Agroecology and other innovations. 2020. Available at: <http://www.csm4cfs.org/zero-draft-cfs-policy-recommendations-agroecology-innovations/> [↑](#footnote-ref-8)
9. CSM Vision on Food Systems and Nutrition: An alternative to the CFS Voluntary Guidelines on Food Systems and Nutrition. 2021. <http://www.csm4cfs.org/wp-content/uploads/2021/04/EN-vision-VGFSyN.pdf> HLPE, 2020 [↑](#footnote-ref-9)
10. High Level Panel of Experts on Food Security and Nutrition (HLPE). UN Committee on World Food Security (CFS). Executive summary. Food security and nutrition: building a global narrative towards 2030. Available at: <http://www.fao.org/cfs/cfs-hlpe> [↑](#footnote-ref-10)
11. FIAN International. Response to the call for inputs on “Healthy ecosystems and human rights: sustaining the foundations of life”, issued by the UN Special Rapporteur on human rights and the environment. Available at: <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/HealthyEcosystems.aspx> [↑](#footnote-ref-11)
12. FIAN International. A Human Rights Analysis of Gene Drives. 2018. Available at: <https://fian.org/en/publication/article/a-human-rights-analysis-of-gene-drives-2327> [↑](#footnote-ref-12)
13. Submission by FIAN International to the Secretariat of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

    Re: Response to the invitation to submit views and other information on “Digital Sequence Information – DSI” (Notifications NCP GB8-016 MYPoW/DSI and NCP GB8-020 MYPoW/DSI). Available at: <http://www.fao.org/plant-treaty/en/> [↑](#footnote-ref-13)
14. Global Network for the Right to Food and Nutrition. Right to Food and Nutrition Watch. Issue 13. 2021.Forthcoming. Available at: <https://www.righttofoodandnutrition.org/watch> [↑](#footnote-ref-14)
15. Socio-Economic Environmental and Political Implications of Industrial Aquaculture on Small Scale Coastal Fishers & Fisher Women in India – Odia. A Study by Legal Aid to Women Trust. 2021. A. Gandimathi, Jones Spartegus, Jesurethinam. p. 18. [↑](#footnote-ref-15)
16. http://blueeconomytribunal.org/india-east-coast-tribunal/ [↑](#footnote-ref-16)
17. SAWUSDEE, A. (2011). Fishing Status and Management Proposal in Bandon Bay, Suratthani Province, Thailand. Walailak Journal of Science and Technology (WJST), 7(2), 89-101. [↑](#footnote-ref-17)
18. Study information on the development of joint fishery management model of fishery communities in Ban Don Bay area by 'Chananchida Thipyan', lecturer of community development curriculum. Faculty of Humanities and Social Sciences Suratthani Rajabhat University. [↑](#footnote-ref-18)
19. Sustainable Development Foundation (2020), “Strengthening Evidence-based Adocacy for Gender Mainstreaming and Gender Justice in Small-scale Fisheries and Coastal Aquaculture in Thailand”, p.12 [↑](#footnote-ref-19)
20. Marianeli Torres Benavides and Juan Pablo Valero (2020): INVESTIGACIÓN PROYECTO EQUITIERRA Conflictos en el ecosistema manglar de la costa del Ecuador El desarrollo de la acuacultura industrial del camarón frente a los Derechos de los pueblos de recolectores y pescadores de los estuaries Periodo: 2008 – 2018. p.26 [↑](#footnote-ref-20)
21. Fighting COVID-19 pandemic: linear responses for a complex problem by Marcos Arana Cedeño, observatoriosalud@gmail

    San Cristóbal de las Casas, Chiapas, Mexico.

    February 28, 2021 [↑](#footnote-ref-21)
22. The CSM has developed its vision for the transformation of food systems: http://www.csm4cfs.org/wp-content/uploads/2021/04/EN-vision-VGFSyN.pdf [↑](#footnote-ref-22)
23. Article. 16 para. 4, UN General Assembly, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: resolution / adopted by the General Assembly, 17 December 2018, A/RES/73/165. [↑](#footnote-ref-23)
24. Idem. Article. 17, para. 7 [↑](#footnote-ref-24)
25. ICESCR [↑](#footnote-ref-25)
26. https://www.fian.org/en/publication/article/peasants-rights-briefings-2690 [↑](#footnote-ref-26)
27. iPES Food. THE ADDED VALUE(S) OF AGROECOLOGY: UNLOCKING THE POTENTIAL FOR TRANSITION IN WEST AFRICA: <http://www.ipes-food.org/pages/AgroecologyWestAfrica> [↑](#footnote-ref-27)
28. P. 4-5 [↑](#footnote-ref-28)
29. International Food Security & Nutrition Civil Society Mechanism (CSM). Connecting Smallholders to Markets - An analytical guide. Available at: http://www.csm4cfs.org/wp-content/uploads/2016/10/ENG-ConnectingSmallholdersToMarkets\_web.pdf [↑](#footnote-ref-29)
30. More information at: <https://www.fian.org/en/news/article/corporate-takeover-proceeds-despite-illegalities-2270>; <https://fian.org/en/press-release/article/fian-international-stands-with-villagers-in-odisha-india-2198>;<https://fian.org/en/news/article/steel-plant-project-to-lead-to-severe-environmental-consequences-2513> [↑](#footnote-ref-30)
31. <https://www.fian.org/fileadmin/media/publications_2017/Reports_and_Guidelines/FIAN_Position_paper_on_the_Human_Right_to_Land_en_061117web.pdf> [↑](#footnote-ref-31)
32. <http://www.fian.org/fileadmin/media/publications_2018/Reports_and_guidelines/180329_FIAN_FFM_BurkinaFaso_EN_Web.pdf>; <https://www.fian.org/files/files/GUIDE_Implementation-FRs_ENG_final.pdf> [↑](#footnote-ref-32)
33. INKOTA; PAN Germany; Rosa-Luxemburg-Foundation. Hazardous pesticides from Bayer and BASF – a global trade with double standards. Available at: <https://webshop.inkota.de/node/1607> [↑](#footnote-ref-33)
34. More information at: <https://fiannepal.org/2021/03/1472/?lang=en> [↑](#footnote-ref-34)