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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Human Rights Advocates Inc., a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The right to food and the problems of food aid and land grabbing

Human Rights Advocates continues its work on the right to food and food security. This paper will discuss how the practices of tying aid and land grabbing threaten the realization of the right to food.

The international community has long been committed to the realization of the right to food which consists of the availability, access and adequacy of food. It also places legal obligations upon States to respect the people's right to food, to protect the right to food against third parties and to fulfill the right to food by strengthening people's access to food and resources.¹ Despite the international commitment to eradicating hunger, the problem continues to grow. Nearly one billion people suffer from hunger today compared to 854 million in 2005,² 90% which suffer as a result of chronic conditions such as poverty, lack of access to resources and unfair competition for land.³ These conditions primarily affect the rural poor who make up 80% of the world's hungry people. It is also the rural poor's right to food that is increasingly threatened by the practices of tying aid and land grabbing.

Food aid is an essential tool in the fight against global hunger in emergency situations. However, current food aid practices run counter to the realization of the right to food. Most food aid is in-kind food aid or the provision of commodities instead of funds. Aid also continues to be tied by requiring aid commodities to be procured from within the donor country. This practice causes food aid to be inefficient and undermines local food production which is essential to the realization of the right to food.

In-kind food aid usually arrives in developing countries as cheap imports. This displaces small local farmers because they are unable to compete. This decreases the incentive to produce food locally. As a result, the amount of food produced in the recipient country decreases making receiving countries dependent upon external sources and imports. This dependence results in long-term unsustainable access to food.

Requiring in-kind food aid to be procured from within the donor country reduces its value. Nearly half the value of the food aid from the United States is lost due to tying.⁴ Most of this loss is due to the incredible cost of shipping food aid from the US to receiving countries. Further, the tying of aid increases costs to the recipient country by as much as 20-30%.⁵ Donor countries should instead try to procure food aid within the receiving country when possible. When it is not possible, food aid should be procured from nearby markets.

The formal tying of aid has been reduced from 70% of all bilateral aid in the 1980s to only 20% today. Some countries, such as the United Kingdom and Norway have formally untied 100% of their aid. However, upon closer examination, much of the formally untied aid has been found to be de facto tied. Aid becomes de facto tied when major bilateral donors give priority to donor based countries, especially those based in their own country. In a sample of 327 food aid contracts, 201 were awarded to donor based companies. And, while all UK

¹ United Nations Human Rights Fact Sheet #34. p.19

² Deschutter, Oliver and Cordes, Kaitlin y. Accounting for Hunger (2010) p.1

³ Report of Secretary General, A/66/277 para. 19 (2011)

⁴ Hunger Report 2011 available at <http://www.hungerreport.org/2011>

⁵ OECD Report, The Tying of Aid. p. 8

aid is formally untied, 44 out of 54 UK aid contracts went to companies in the UK.⁶ The practice of granting aid contracts to companies within the donor country has the same result as tying aid because it continues to be inefficient and denies receiving countries the opportunity to build up their capacity and to realize food security.

The denial of the right to food is also caused by the lack of access to land and other productive resources. The growing practice of land grabbing increasingly denies the rural poor to access of land and resources. Land grabbing is the phenomenon of buying or leasing of large tracts of land in developing countries by foreign corporations and governments. The foreign corporations and governments often evict people living or farming the land in order to establish large scale agricultural enterprises. Those who are evicted are rarely given notice of such land deals because they are usually conducted between national governments and corporations with little public debate.

Donating countries and purchasing companies claim that these land deals are making use of idle or unused land.⁷ The reality is the majority of the land that is being bought or leased foreign companies is fertile land upon which small hold and subsistence farmers rely. In Ethiopia, the primary land grabs have taken place in Bako and Gambelo, two of the most fertile areas in the country.⁸ In Cambodia, one third of the most productive lands were granted to private companies. Most of these leases are for a term of 99 years.⁹

Donating countries and purchasing companies also claim that these land acquisitions will lead to the creation of jobs and food security. However, in Ethiopia 300,000 families were displaced by land grabs and only 20,000 jobs were created by new farms. Further, the land purchases destabilize food security in developing countries because the land sold to foreign investors is not used to produce food for the local communities.¹⁰ Rather, the food produced is often transported back to the country of the company's origin.

The practice of land grabbing results in the forced eviction of the small hold and subsistence farmers. These forced evictions are marred by violence and intimidation. In January 2010, four people were injured by company guards and military soldiers as they forcibly evicted 116 Cambodian families. The families were evicted as a result of an economic land concession given to a Chinese company by the Cambodian government. the.¹¹ For those who are kicked off their land there is often no recourse. When land is given as compensation, the land is infertile, without a near water source and in some cases littered with landmines.¹²

In 2011, 70,000 Ethiopians were evicted from their farms by the government and relocated to new villages to make the land available for sale to foreign corporations. The first round of relocations began in October and November, the months the villagers harvest their maize

⁶ Edward J. Clay, Matthew Geddes, Luisa Natali and Dirk Willem to Velde, *The Developmental Effectiveness of Untied Aid Evaluation of the Implementation of the Paris Declaration and of the 2001 DAC Recommendation of Untying ODA to LDCs Phase 1 Report*, Overseas Development Institute, (December 2008)

⁷ Report of Secretary General, A/66/277 para. 37 (2011)

⁸ Indian Land Grab in Africa, available at www.countercurrents.org/goi201211.htm

⁹ LICHADO, Briefing Paper. *Harmful Effects of Economic Land Concessions on Poor Cambodians* (2005)

¹⁰ Report of Secretary General. A/66/277 para. 38 (2011)

¹¹ Human Rights Watch, *World Report 2011: Cambodia*. Available at <http://hrw.org/world-report-2011/cambodia>

¹² LICHADO Briefing Paper. *Harmful Effects of Economic Land Concessions on Poor Cambodians*. (2005)

crops. The new villages are without adequate food, agricultural support or access to water. As a result, the relocated people are suffering from hunger and facing starvation.¹³

Implicated in these land deals is the State's obligation to protect the right to food against violations by third parties and to take into account the right to food when entering into agreements with other states or organizations.¹⁴

The practice of land grabbing has especially catastrophic effects on indigenous people and their right to food. The right to food for indigenous people often depends directly on their access to and control over their lands and other natural resources. Yet, indigenous peoples are continually subjected to State confiscation of their land without free, prior or informed consent.

It is imperative for the realization of the right to food that both indigenous peoples and small holder farmers have sufficient access to land and resources as small and medium agricultural enterprises are essential for the realization of the right to food and food security.

Human Rights Advocates recommends that the Human Rights Council:

- Recognize that in-kind and tied aid threatens the food security of recipient countries and should be limited to instances where local markets and institutions are unable to function.
- Encourage the participation of local organizations in assessing receiving countries food aid needs.
- Recognize the effects of land grabbing on rural populations in developing countries.

Human Rights Advocates calls upon states to:

- Procure food aid in receiving countries or to provide cash aid in lieu of in-kind food aid.
- Create policies of transparency of large scale land sales and remedies for those affected.
- Ensure small holder farmers and indigenous peoples' participation in the decision making processes that affect their land.

¹³ Human Rights Watch, *Waiting Here for Death*, January 18, 2012 available at <http://www.hrw.org/node/104284/section/3>

¹⁴ United Nations Human Rights Fact Sheet #34, *The Right to Food*