Coordination SUD
Solidarité Urgence Développement

C2A Notes

Agriculture and food in question

Issue No. 4 — December 2010

POLICY COHERENCE FOR DEVELOPMENT: IN FAVOR OF AN APPROACH BASED ON HUMAN RIGHTS

Hunger affects mainly farmers and their families. The current consensus is that priority should be given to developing agriculture in developing countries to defeat undernourishment and poverty. The importance of greater support for smallholder farming—the most prevalent agricultural model in developing countries—is also increasingly acknowledged.[i] Yet, are France's and the European Union's policies coherent with the fight against hunger around the world and, in particular, the development of smallholder farming in developing countries?

Is the CAP Coherent with Development?

With its protections from the world market and its support for the modernization of farming, the Common Agricultural Policy (CAP) has allowed Europe to advance toward its goal of food independence. In this way, it is a model for agriculture in developing counties. Nevertheless, criticism is not lacking: inequitable distribution of aid between large and small farms causing the latter to disappear, promotion of production-oriented agriculture that is not environmentally friendly, foreign trade harmful to agriculture in developing countries, etc.

Subsidized European Agricultural Exports

With the 2003 reform of the CAP, export subsidies were cut heavily. Despite this, they remain a tool to manage European agricultural crises, such as the milk crisis. While it is legitimate for the European Union (EU) to support its struggling farmers, it should make sure that this support does not negatively impact farmers in developing countries. Yet, it did not take this precaution in January 2009 when it decided to reintroduce export refunds for milk powder.

The EU may eliminate its export subsidies after 2013. This does not, however, mean that exported European foodstuffs will cease to be subsidized. A cleverer system of direct aid to farmers is already replacing product aid. This direct aid is said to be "decoupled" from production, and paid to farms no matter what they produce. At the end of the day, even if exported foodstuffs no longer receive direct aid, the farms that receive subsidies can continue to sell their goods at prices below production cost. This allows the EU to continue its dumping on international markets. And, certain foodstuffs (wheat, dairy products, sugar) are primarily exported to the poorest countries on the planet, whose populations are mostly farmers.

Imports Sometimes Harmful to Development: The Soy Example

The EU imports 75% of its vegetable protein needs for animal feed, notably soy. In Brazil, the takeoff of this crop in the hands of large farmers has literally chased smallholder farmers from their land. Among other things, it contributes to massive deforestation. Importing soy to feed the cows that will produce milk the export of which will be directly or indirectly subsidized by European taxpayers—such a waste and so very incoherent with development that one hopes will be lasing, foster poverty alleviation, and protect the environment!

A European Trade Policy at the Service of Development?

Development is officially the ultimate goal of the trade negotiations conducted in the framework of the WTO and the Economic Partnership Agreements (EPAs) between the EU and the Africa, Caribbean and Pacific countries (ACP). However, the EU is above all seeking to obtain greater openness of foreign markets for its companies in order to develop its economy. This is what the EU explained in 2006 in its communication "Global Europe: EU Performance in the Global Economy."

The EPA negotiations are a manifestation of this strategy: the EU now demands an 80% opening of ACP country markets for European products and services in exchange for maintaining preferential access to Europe for ACP country exports. Previously, these trade preferences were granted without anything in exchange.

Thus, in the agricultural field, the EU directly or indirectly subsidizes its exports to lower their prices (CAP) while pressuring its "clients" to lower their trade protections vis-à-vis Europe (EPA). These policies are coherent with the development of… Europe!

Ensuring that French and European policies are coherent with the development (PCD) of developing countries is therefore above all a matter of managing the conflicts of interest between developing countries and Europe. How can they be resolved? Which must take precedence? Part of the answer depends on how one defines the "D" in PCD.

What Development?

To define development, some refer to the Millennium Development Goals (MDGs), some refer to development policies, and a growing number of civil society actors favor an approach based on human rights.

The MDGs

Similarities can be seen between the right to food and the first Millennium Development Goal (MDG) that aims to halve the proportion of people suffering from hunger between 1990 and 2015.

The MDGs present the advantage of setting priorities, quantified targets and a deadline (2015), although the considerable delay in their attainment raises the question of how credible these commitments are.

The MDGs are only goals among others (e.g. the EU's trade objectives). They are not superior in value. They do not cast the deciding vote when there is a conflict of interest between, for example, the goal of alleviating hunger and poverty and the goal of conquering new markets. PCD aims to reconcile interests of equivalent importance.

It was the European Commission's approach that referred mainly to the MDGs, notably in its working document on PCD for 2010-2013: "[The Commission] will ensure that development objectives are taken into account and reconciled with other EU objectives."

Development Policies

France's draft development cooperation framework for 2010-2020[ii] for example, indicates that public policy coherence should allow, in the European context, for the development of win-win solutions (and lessen possible contradictions) between development policies and other sectoral policies, notably trade and immigration policies.

While win-win solutions are obviously desirable, they are not always possible. When they are not, choices must be made and prioritizing goals becomes crucial. This is part of the value added provided by the approach based on human rights. Human rights head the list of standards, and have higher legal value than treaties, laws, directives, etc.

Human Rights, in Particular the Right to Food: A Vital Reference[iii]

"The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement."[iv] This deals with the ability to obtain the necessary food as well as the ability to produce it.

It is an obligation included in the Universal Declaration of Human Rights, and clarified in the International Covenant on Economic, Social and Cultural Rights (ICESCR). As with all Human Rights, the right to food has greater legal value than other rules.

While citizens must make every possible effort to feed themselves, governments must comply with three types of obligations in regard to the right to food:[v]

- respect it, that is to say refrain from taking measures that hinder attainment of the right to food;
- protect it by ensuring that no one is deprived of this right by someone else's actions (companies, etc.); and
- make it effective, that is to say take measures that allow hungry populations to feed themselves (land reform, food aid, etc.).

States' responsibilities do not concern their citizens alone. They also have extra-territorial obligations[vi] to the populations of foreign countries whose access to food may be affected by the policies they implement. These obligations require the EU to make its policies coherent with other countries' inhabitants' right to food.

We have seen that PCD aims to establish policies that contribute to or do not hinder development. It also has an institutional and instrumental dimension: How can one ensure policy coherence? How can coherence be corrected?

PCD Institutions and Instruments

Here is a non-exhaustive list of measures to take to increase PCD:

- Decompartmentalize and develop joint work between and across ministries, parliamentary commissions, etc.
- Assess PCD. The methods used to assess the impact of policies on Human Rights could serve as references for PCD assessments.
- Set up a complaint system for victims of incoherencies. The European Parliament has recently created the position of standing rapporteur for PCD, authorized to receive complaints. The European Union's Court of Justice could also play a role in this field since the adoption of the Treaty of Lisbon at the end of 2009.
- Report on PCD. The European Commission and some countries, such as Sweden, publish regular reports on PCD; the European Parliament has recently committed to doing the same.
- Involve all concerned stakeholders. Inadequate consultation of developing country actors and civil society in particular is one of the main weaknesses of pro-PCD actions. In the human rights based approach to PCD, the participation of populations whose rights are not respected is a crucial point. Olivier de Schutter, United Nations Special Rapporteur on the right to food, has stated that it is one thing to set up policies that lean in the right direction but it is quite another to do so in a participatory manner, taking into account the situation of the most vulnerable, allowing them to help define solutions, and subjecting them to criticism by independent bodies (including judicial bodies) if the necessary measures are not taken. The approach based on human rights believes that individuals deprived of their rights are actors and not merely recipients.

A STEP FORWARD:
ARTICLE 208 OF THE TREATY OF LISBON

Sanctions on violations of States' extra-territorial obligations are weak. The Treaty of Lisbon, which has greater value than other legal rules in the European Union, marks a step forward. It makes PCD a legal obligation and stipulates, in Article 208, that: "Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries." While it does not explicitly refer to Human Rights, this article establishes the primacy of poverty alleviation. If there is proof that one of Europe's policies worsens poverty in another country, the European Union's Court of Justice could be called upon to impose sanctions on the violation of this article.

[i] See notably, the European Commission communication: *"An EU policy framework to assist developing countries in addressing food security challenges"*, March 31, 2010. http://ec.europa.eu/development/icenter/repository/COMM_PDF_COM_2010_0127_EN.PDF
[ii] Provisional version dated July 31, 2010.
[iii] For more information, see "The Right to Food: An Operational Tool for World Food Security", C2A Notes No. 1, June 2010. http://www.coordinationsud.org/C2A-Notes
[iv] General Comment 12 on the ICESCR, 1999, §6.
[v] General Comment 12, §15.
[vi] General Comment 12, §36 and 37.

As part of its mission to support the collective advocacy of its members, Coordination SUD has set up working committees. The Agriculture and Food Commission (C2A) brings together international solidarity NGOs that act to realize the right to food and increase support for smallholder farming in policies that impact world food security: 4D, Artisans du Monde, AVSF, AITEC, CARI, CCFD–Terre Solidaire, CFSI, CIDR, CRID, GRET, IRAM, MFR, Oxfam France, Peuples Solidaires in association with ActionAid, Secours Catholique, Secours Islamique.

The Commission aims to coordinate the work conducted by its participants, and facilitate consultation among its members for their advocacy work with social actors and international policy makers. The members of the Commission reach agreements on the representation provided in the name of Coordination SUD in a range of arenas (Concord in Europe, FAO, WTO, UNCTAD) and share information on current international stakes. The Commission is mandated by Coordination SUD to formulate the positions taken by the group during the main institutional meetings on the subject of agriculture and food.

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The C2A Notes are produced with the support of the AFD.
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