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**CSM REPORT ON MONITORING THE USE AND APPLICATION OF
THE CFS FRAMEWORK FOR ACTION FOR FOOD SECURITY AND
NUTRITION IN PROTRACTED CRISES (CFS-FFA)**

IMPRESSUM

Protracted Crisis Working Group and Working Group on Monitoring of the Civil Society and Indigenous Peoples' Mechanism (CSM) for relations with the United Nations Committee on World Food Security (CFS)

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LIST OF ABBREVIATIONS AND SYMBOLS

- \$** - United States dollar
- ⊙** - Target (of a sustainable development goal)
- - indicator
- §** - article
- ¶** - paragraph
- AJK** - Azad Jammu and Kashmir
- ANFS** - Arab Network for Food Sovereignty
- APN** - Arab Group for the Protection of Nature
- API** - Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)
- APII** - Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)
- CEDaW** - Convention on the Elimination of All Forms of Discrimination against Women
- CESCR** - Committee on Economic, Social and Cultural Rights
- CFA** - Compromise Framework Agreement
- CFS** - UN Committee on World Food Security
- CPDE** - CSO Partnership for Development Effectiveness
- CRC** - Committee on the Rights of the Child
- CSM** - Civil Society and Indigenous Peoples' Mechanism for relations with the United Nations Committee on World Food Security
- CSO** - civil society organization
- ECOSOC** - United Nations Economic and Social Council
- ESCWA** - United Nations Economic and Social Commission for Western Asia
- ETO** - extraterritorial obligation
- ETS** - European Treaty Series
- EU** - European Union
- FAO** - Food and Agriculture Organisation of the UN
- FARC-EP** - Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo
- FFA** - Framework for Action for Food Security and Nutrition in Protracted Crises
- FSC** - Food Security Cluster
- FSN** - food security and nutrition
- GC** - General Comment
- GC I** - Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949 (Geneva Convention I)
- GC II** - Convention for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, 1949 (Geneva Convention II)
- GC III** - Convention relative to the Treatment of Prisoners of War, 1949 (Geneva Convention III)
- GC IV** - Convention relative to the Protection of Civilian Persons in Time of War, 1949 (Geneva Convention IV or Fourth Geneva Convention)
- GLTN** - Global Land Tool Network
- GR** - General Recommendation
- GUPAP** - Gaza Urban and Peri-urban Agricultural Forum
- HCT** - Humanitarian Country Team
- HDPN** - humanitarian-development-peacebuilding nexus
- HIC-HLRN** - Housing and Land Rights Network – Habitat International Coalition
- HLPF** - High-level Political Forum
- HRC** - Human Rights Council
- HRP** - Humanitarian Response Plan
- ICC** - International Criminal Court
- ICCPR** - International Covenant on Civil and Political Rights
- ICESCR** - International Covenant on Economic, Social and Cultural Rights
- ICJ** - International Court of Justice
- ICL** - international criminal law
- IDP** - internally displaced person
- IDRL** - International Disaster Response Laws
- IFAD** - International Fund for Agricultural Development
- IHL** - international humanitarian law
- ILC** - International Law Commission
- ILC 1991** - Draft Code of Crimes against the Peace and Security of Mankind (with Commentary).

Report of the International Law Commission on its forty third session, 1991

IMTFE - International Military Tribunal for the Far East

IMTN - Charter of the International Military Tribunal (Nuremberg Charter)

INGO - international non-governmental organisation

IOK - Indian-occupied Kashmir

IWGC - International Working Group on Conflict

MAKAAM - Mahila Kisan Adhikaar Manch

NAFSO - National Fisheries Solidarity Organization

NGO - non-governmental organisation

OECD's DAC - Organisation for Economic Co-operation and Development's Development Assistance Committee

PCFS - People's Coalition on Food Sovereignty

PCWG - Protracted Crisis Working Group

PSM - Private Sector Mechanism

R&R - Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims
of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law

RBAs - Rome-based agencies (Food and Agriculture Organization of the UN,
the International Fund for Agricultural Development, and the World Food Programme)

RES - resolution

rpf - respect, protect and fulfil

RTFN - the human right to adequate food and nutrition

RTFG - Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security

RTL - Rice Tariffication Law

SDG - sustainable development goal

SIDECO - Sicogon Development Corporation

SOFI - State of Food Security and Nutrition in the World

SSF Guidelines - Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication

SWAGEN - Support for Women in Agriculture and Environment

The Hague - The Hague Regulations of 1907: (§§46, 47, 52, 55 42–56 as under Principle 1 above).

Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning
the Laws and Customs of War on Land (The Hague Regulations of 1907)

UAE - United Arab Emirates

UCLG - United Cities and Local Governments

UDHR - Universal Declaration of Human Rights

UK - United Kingdom of Great Britain and Northern Ireland

UN - United Nations

UNCAC - United Nations Convention against Corruption

UNCHR - United Nations Commission on Human Rights (replaced by UNHRC)

UNCRC - United Nations Convention on the Rights of the Child

UNDAF - United Nations Development Assistance Framework

UNDRoP - United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas

UNDRIP - United Nations Declaration on the rights of Indigenous Peoples

UNGA - United Nations General Assembly

UN-HABITAT - United Nations Human Settlement Programme

UNHCR - United Nations High Commissioner for Refugees

UNHRC - United Nations Human Rights Council

UNRWA - United Nations Relief and Works Agency for Palestine refugees in the Near East

UNSC - United Nations Security Council

UNS-CHR - United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities

US/USA - United States of America

USAID - United States Agency for International Development

USGS - United States Geological Survey

VGGT - Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

WCDRR - UN World Conference on Disaster Risk Reduction

WFP - World Food Programme

WHO - World Health Organization

WTO - World Trade Organization

POLITICAL SUMMARY

The last decade has witnessed a dramatic increase in the number of protracted crises. The number of displaced people in the world is now roughly 80% higher than in 2010,¹ while internal displacement has reached an all-time high.² Protracted crises can often lead to drastic breakdowns in food systems, with extreme levels of food insecurity, malnourishment and hunger. Currently, there are nearly 60 million more undernourished people than in 2014, due in large part to the growing number of conflicts;³ indeed, the majority of undernourished people live in countries experiencing conflict.⁴

Historically, deep discussion on food security in protracted crises was stifled in food policy platforms, as many protracted crises require political solutions. However, these contexts pose unique challenges – both in the duration of food insecurity and the complexity of appropriate remedial interventions – and require unique solutions.

WHAT IS A PROTRACTED CRISIS?

There is no agreed upon definition of protracted crisis in the United Nations (UN) Committee on World Food Security (CFS), though various actors have begun to conceptualise and use the term, along with related terms such as protracted conflict and protracted emergency. While a prescriptive definition has not been negotiated there are a number of **characteristics** that many protracted crises share:

- Endurance of crisis drivers and impacts
- Challenges to resolution
- Shifting drivers of crisis
- Intermittent periods of intense crisis and relative calm
- Weak governance
- Failure to implement international law
- Increasing negative impact on basic public services

Common **impacts** of protracted crises on access to food, nutrition and food sovereignty include:

- Extreme levels of food insecurity
- Breakdown of food system leading to reliance on food aid
- Fragile or unsustainable livelihood systems

- Disruptions to domestic food production
- Each of these impacts also has the potential to deepen the crisis.

A variety of circumstances can lead to a crisis or emergency situation. Common **contexts** of protracted crises can include one or more of the following:

- Sanction regimes
- Conflict, occupation and war
- Displacement and refugee flows
- Continuous or recurrent environmental disasters
- Cyclical financial crises
- Epidemics and pandemics

Protracted crises are characterised not only by their longevity, but also by their complexity. Protracted crises often contain recurrent, successive and recurrent crises. Countries and regions in these contexts often struggle to recover from these sub-crises, as reconstruction and rehabilitation are delayed by yet another phase of the crisis.

For many years, peoples' organisations from conflict-inflicted regions agitated for a focus on this vital issue. In 2012, the CFS embraced this priority and initiated a process to create a framework to guide comprehensive approaches to food security in these circumstances, which was celebrated as a victory for the Civil Society and Indigenous Peoples' Mechanism (CSM). The Protracted Crisis Working Group (PCWG) came together to represent CSM in the framework's 3-year negotiation process. This team, assembled predominantly from conflict-afflicted countries, was instrumental in the final shape of the Framework for Action for Food Security and Nutrition in Protracted Crises (FFA),⁵ a set of eleven principles endorsed as guidelines in 2015 for states and other actors in the design and implementation of comprehensive responses to longer-term crises.

THE FORMATION AND INFLUENCE OF THE WORKING GROUP ON PROTRACTED CRISIS

Prior to the formation of the CSM, an International Working Group on Conflict (IWGC) was established in 2003 by the Arab Group for the Protection of Nature (APN) and the National Fisheries Solidarity Organization in Sri Lanka (NAFSO) that advocated for the recognition of conflict as a priority at food

policy platforms including Rome-based agencies (RBAs) the International Fund for Agricultural Development (IFAD), the Food and Agriculture Organisation (FAO) and the World Food Programme (WFP). The first formal IWGC meeting was held in Kenya in 2007 in partnership with "Brot für die Welt".

When CSM was formed, it gave a platform for the IWGC, and the PCWG was born. Approximately 150 organisations joined the PCWG, bringing perspectives from a wide variety of protracted political and environmental crises. Community representatives suffering from protracted crises participated in the CFS Steering Committee of the High-level Expert Forum on Protracted Crises, led the CSM negotiation team during the FFA development process, and participated in the FFA technical draft team. Now, for the first time, after years of relentless advocacy, their priorities were recognised at the RBAs.

CSM representatives in the negotiations included APN, NAFSO, Support For Women in Agriculture and Environment (SWAGEN) in Uganda, The Iraqi Society for Consumer Rights Defense (ISCRD), Hawa Organization in Sudan, Gaza Urban and Peri-urban Agricultural Platform (GUPAP), Women Coalition of Zimbabwe, the Palestinian Agricultural Relief Committees (PARC), Union of Agricultural Work Committees- Gaza (UWAC) and Land Research Center-Jerusalem (LRC) in Palestine, Agrosolidaria Colombia, Union of Agricultural Cooperatives in Yemen, Confederación Nacional de Pescadores Artesanales de Chile (CONAPACH), Grupo de Interés por la Soberanía y Seguridad Alimentaria y Nutricional (GISSAN) in Nicaragua, The Arab Network for Food Sovereignty (ANFS), Peoples' Coalition for Food Sovereignty (PCFS), Housing and Land Rights Network - Habitat International Coalition (HIC-HLRN), International Indian Treaty Council (IITC), World Alliance of Mobile Indigenous Peoples (WAMIP), World Forum of Fisher Peoples (WFF), Women's International League for Peace and Freedom, Oxfam, LDC Watch, Action Aid, Caritas, and World Vision.

These representatives played a vital role in bringing the needs of communities in protracted crises to the ears of decision-makers. During the negotiations, PCWG members organised a series of meetings with CFS members and participants to provide first-hand testimonials on protracted crises they were living through to help shape the FFA values and components.

The FFA is unique in its emphasis on addressing, resolving and preventing underlying causes of protracted crises, and the food insecurity and malnutrition they so often cause. The FFA is anchored in the human rights and humanitarian law framework which is fundamental to these goals and to ensuring accountability and restitution for those affected by crises. Equally important, the framework recognises that resilience-building must enhance peoples' capacity to *prevent* crises, not merely to *prepare for* or *absorb* them. As communities affected by crises assert, they should not be left to cope with or *adapt* to crises but rather be supported to resist their re-emergence and achieve meaningful recovery and development.

The FFA was developed prior to the emergence of the humanitarian-development-peace-nexus (also known as HDPN or triple nexus approach) in other policy platforms. While the triple nexus remains ambiguous in its treatment of underlying drivers and human rights obligations, the FFA retains an advantage through its explicit guidance on how to achieve coherence between humanitarian, development, and peacebuilding efforts.

The "peace pillar" promoted by many actors needs to be defined in policy platforms alongside civil society and affected communities. For CSM constituencies, peace is not defined merely as short-term stability or the absence of violence, and peacebuilding efforts should be designed to uphold the rights of crisis-affected people, including the right to justice. This will ensure its durability and ability to result in genuine reconciliation, social cohesion, and development.

The FFA provides a much-needed basis for CFS and other policy platforms to better discuss and define comprehensive and coherent responses, the processes required to realise them, and the context-specific methods for conflict-resolution and peacebuilding.

This report aims to complement the CFS-led assessment of the implementation of the FFA by providing reflections from civil society organisations on:

- the implementation of and alignment with the FFA (or lack thereof) in policy decisions and actions taken in their home countries experiencing protracted crises;

- key barriers and challenges to use and implementation of the FFA;
- CSO experiences in advocating for the implementation of the FFA;
- coherence between the FFA and pre-existing (binding and non-binding) obligations and commitments of states, to help guide advocacy for the FFA and monitor its implementation;
- recommendations for the creation of a monitoring tool for the FFA;
- recommendations to CFS and its members and participants, along with other actors, in advancing the use of the FFA;
- resources that may help advance the implementation of the FFA.

Five years after endorsement, the FFA has not been effectively implemented and has not been used to guide many policies or actions, despite a marked increase in the political and environmental crises that the FFA seeks to address.

A key finding of this report is that despite efforts made by civil society organisations (CSOs) to raise awareness of and align policy and programming with the FFA, there is still widespread lack of familiarity with the Framework and its principles, among all actors. This points to a need for the CFS, its members, and its participants to disseminate the FFA and advocate for its use more actively and comprehensively.

Additionally, a lack of guidance remains on the translation of the FFA principles into an implementation plan. There have not been sufficient multi-actor discussions on the distribution of roles and responsibilities and collaboration processes, which further impedes development of such a plan. Moreover, there have been no comprehensive or consistent efforts to monitor the use of the FFA and its principles, nor has there been guidance in what a monitoring mechanism should or could entail.

Nevertheless, communities affected by protracted crises understand that implementation plans, commitments, and laws do little to change the state of affairs without broad, organised, and sustained pressure applied to mobilise political will. With this knowledge, a wide breadth of experience in pushing for the right to food in the context of crises, and a commitment driven by an intimate knowledge of

the stakes at play, the Civil Society and Indigenous Peoples' Mechanism is ready to continue its struggle forward.

Key recommendations from the Civil Society and Indigenous Peoples' Mechanism (described in more detail on page 43) call for a wide range of actions including to:

- increase the dissemination and reach of the FFA to strategic actors and platforms, including through sufficient funding, targeted trainings, supplementary materials, and research into best practices;
- elaborate the distribution of roles and collaboration processes necessary to see FFA values and principles brought into policies and programmes;
- create and strengthen local and national multi-actor platforms to ensure alignment with the FFA, ensuring the inclusion of affected communities and those working on root cause remediation;
- create or strengthen specialised units for food security and nutrition within governments to facilitate the use, learning, and monitoring of FFA implementation;
- develop a methodology or tool that would allow for consistent monitoring of the FFA use and alignment;
- support CSOs and affected communities in their efforts to advance the FFA and engage them in all stages of policy and action development and monitoring, including through accessible feedback mechanisms; and
- encourage actors' self-assessments of alignment, the formation of political solidarity with and between affected communities, and the direct naming of the drivers of crises they have stakes in.

In this report, the Civil Society and Indigenous Peoples' Mechanism strives to return to the spirit that guided it through the FFA negotiation process and bring others along to apply the lessons of the last five years and implement the principles of the framework. Returning to the FFA in 2021, when the COVID-19 crisis has brought mass increases in poverty, hunger, and sickness to those struggling through protracted crises, CSM sees new avenues forward. The failures of stopgap measures pieced

together to feed the hungry have exposed the need for radical transformation in our food systems that guarantees fair access to food and productive resources. Food systems must be governed by principles of food sovereignty, with the voices and priorities of affected communities leading the way. Without substantial reform, our food systems will not only fail to provide for those in crisis but will continue to trigger new crises.

OVERARCHING VALUES AND CORE COMPONENTS OF THE FFA

The FFA is built on overarching values and key concepts that makes it distinct from other frameworks. Many of these concepts were championed by the PCWG and overlap with peremptory norms of international law. The FFA:

- **strives for a comprehensive approach, ensuring policy coherence**

between short-term emergency humanitarian assistance, longer-term development, and the resolution of underlying causes to food insecurity, all operating simultaneously within the framework of human rights (paragraphs 15,16,20);

- **elaborates how underlying causes can be addressed**

Several policy spaces have attempted to bridge humanitarian, development, and peacebuilding in recent years, but the FFA takes a crucial step in describing how this can be done. The FFA calls for:

- comprehensive analyses that examine underlying determinants (paragraph 28(ii))
- avoiding the exacerbation of manifestations or underlying causes (paragraph 15,20,32(i))
- contributing to peacebuilding initiatives (paragraph 32)
- preventing the use of food as a tool for political or economic pressure, including through unilateral actions incompatible with international law (such as sanctions) (Paragraph 25 (v,vi))

- protection of affected communities in different contexts paragraph (26) including occupation (paragraph 25 (i));
- **insists on adherence to human rights and international humanitarian law** (paragraphs 15,16,26(v) & 33 (viii), as outlined also in the Normative Framework);
- **focuses on “prevention”**
 - as part of the main purpose of the FFA (paragraph 9)
 - as a component of resilience building (paragraphs 21, 33 (iii)) which strengthens the capacity of communities to prevent and resolve crises, not only to absorb or prepare for them
 - of underlying causes of food insecurity and undernutrition in protracted crises (paragraph 30);
- **addresses all actors who have a role or could impact food security and nutrition** (Paragraph 17)
 - The targets of the FFA were broadened from governments of countries in protracted crisis to all actors, including foreign governments, donors, development and humanitarian organisations, international financial institutions, and private-sector entities.
 - The FFA calls on states and other stakeholders to examine how their policies and actions impact food security and nutrition in other regions and countries affected by protracted crises and consider relevant appropriate actions (paragraph 26 (vi));
- **urges country ownership and participation by** (Paragraph 29)
 - consultation with affected communities in the development and implementation of policies and actions that may impact food security, food systems and nutrition in protracted crises (Paragraph 29 (ii))

- aligning support with national priorities and mechanisms (Paragraph 29 (iv))
- using and strengthening country-owned multi-actor platforms and processes (Paragraph 29 (v, vi));
- **promotes peoples' sovereignty over natural resources and food, including:**
 - fair, inclusive and non-discriminatory processes related to natural resource management (paragraph 33 (ii))
 - respect for the legitimate tenure rights of individuals, farmers, smallholders, small-scale food producers, Indigenous Peoples and members of affected and at-risk populations (paragraphs 32 (v), 33 (vii, viii))
 - strengthening sustainable local food systems, and access to productive resources and to markets that are remunerative and beneficial to smallholders (paragraph 22 (vi, xi, xiv))
 - local food procurement and building of food reserves at community, national and regional levels (paragraph 22 (v, xiii));
- **promotes effective local and national governance** (paragraph 34) through
 - accountability processes, including feedback mechanisms (paragraphs 4, 15 & 29(iii))
 - transparency (paragraph 15) and fighting corruption (paragraph 34(ii))
 - pursuit of agricultural innovation and research at country level (paragraph 34(iv))
 - promotion of effective traditional and indigenous strategies (paragraph 33(iii));
- **acknowledges key reasons why policies and actions can fail (paragraph 7), including:**
 - undermining of local capacities and priorities by externally driven interventions
- lack of commitment to support small-scale food producers, marginalised and vulnerable communities and gender equality
- vested commercial, political and institutional interests;
- **promotes women's rights and gender equality** (paragraphs 15, 27) including by
 - removing obstacles and ensuring access to productive resources, assets, services, and income generating opportunities
 - ensuring equal participation and leadership in local institutions and decision-making processes
 - ensuring non-discrimination and equal access to food and nutrition assistance; and
- **promotes the three dimensions of sustainable development – economic, social and environmental** (paragraph 4) by supporting
 - appropriate and sustainable social protection programs (paragraph 22(ix))
 - sustainable use of natural resources (paragraph 33), including by ensuring that coping strategies and humanitarian and livelihood assistance do not contribute to the unsustainable use of natural resources (paragraph 33(ii)) and rehabilitating and restoring crisis-related degradation of natural resources (paragraph 33(v))
 - local and national institutional and organisational capacities in a sustainable manner (paragraph 34(i)) and
 - sustainable local livelihoods (paragraph 34(iii)).

GAUGING THE USE OF THE FFA

An important function of CFS is its role as a platform for governments, UN agencies, and other relevant actors to share experiences and best practices, including the use of monitoring to improve the work of the CFS. This was underscored at CFS 40 in October 2013, with the adoption of the Framework for Monitoring CFS Decisions and Recommendations.⁶ In line with its mandate, the CFS also prepared a report on monitoring the use and application of the FFA for the Global Thematic Event at CFS 47 in early 2021. In parallel, CSM has prepared this independent report to reflect the voices and priorities of communities living in contexts of protracted crises. To solicit these reflections and recommendations, a team created from members of the CSM Monitoring Group and the CSM Protracted Crisis Working Group (PCWG) developed a questionnaire to be sent to civil society actors and Indigenous Peoples living and working in protracted crises. The questionnaire sought to help capture the use of the FFA by different actors – including, but not limited to, governments, UN agencies, and humanitarian and development organisations – from the perspectives of affected communities. An internal consultation in Rome in 2019, and three virtual meetings in 2020 produced further input. Additional contributions collected verbally and electronically have also been added in the report.

The questions posed to civil society stakeholders sought to gauge how relevant actors:

- ❖ shared the FFA and suggested how it could be used in different contexts;
- ❖ increased access to and understanding of the FFA in crisis-affected communities;
- ❖ integrated the principles of the FFA into responses to food insecurity;
- ❖ developed technical tools and supplementary materials to support use of the FFA;
- ❖ collaborated with and assisted others in using the FFA;
- ❖ mobilised political support for the FFA;
- ❖ shared experiences of using the FFA.

Civil society groups assessed connections between policies or actions in their contexts of protracted crises and the principles of the FFA. The questionnaire also collected suggestions and opportunities to mobilise implementation and enhance use of the FFA by different actors.

IMPLEMENTATION AND ALIGNMENT WITH THE FFA

This section provides examples of policies and practices of different actors that align, or fail to align, with the principles of the FFA. While examples for each principle could be drawn from every protracted crisis, the report aims to reveal broad trends and illuminate the stakes of FFA alignment. This section also presents important components of the FFA emphasised by the survey and survey responses (in bold). At the end of each principle, a box lists specific binding and non-binding instruments in international law, global policy forums, and other authoritative sources that support or align with the principle. Binding obligations lead in **boldface**, with non-binding soft law instruments and voluntary policy commitments appearing in regular type, and minimal commentary or summaries appearing in *italic*. These norms can be used for advocacy and monitoring efforts as described in detail in the “Normative Framework Supporting the FFA” section on page 39. A more complete inventory of the norms supporting the FFA is listed in the “Resources” section.

The FFA principles are organised into three sections. The first section (Principles 1 and 2) contains the broadest recommendations for ensuring food access in protracted crises with an emphasis on creating long term solutions by fuelling local food systems. The second section (Principles 3–8) focuses on responding to specific challenges brought by protracted crises. The third section (Principles 9–11) addresses sustained approaches to contribute to resolving and preventing the underlying causes of food and nutrition insecurity in protracted crises.

Principle 1: Meet Immediate Humanitarian Needs and Build Resilient Livelihoods

Principle 1 focuses on the need for humanitarian actions to support development goals. To this end, humanitarian actors should partner with local organisations to implement food assistance and procure food aid locally. These interventions should respect local cultures and diets.

Groups report a range of adherence to the provision to source humanitarian assistance locally. In Uganda, Support for Women in Agriculture and En-

vironment (SWAGEN) reports that the World Food Programme (WFP) purchases food locally. A respondent in Burkina Faso worries that a condition of 'permanent assistance' is being created through externally sourced aid. They report that local food production is weakened by the uncontrolled importation of food, food aid, and harmful agricultural inputs, as well as reliance on seeds and other agricultural inputs from abroad. For example, they are concerned that European governments contribute to the impoverishment of West African milk-producing livestock farmers by dumping milk-derived products in the form of aid.

Respondents in South Asia and Southeast Asia report that civil society, governments, and development organisations promote the purchase of domestic food by humanitarian actors. However, in some cases, food is procured in-country but far from its point of distribution. A CSO in Myanmar, which is home to nearly a quarter-million internally displaced persons (IDPs) and suffers from repeated natural disasters, writes that, though local organisations promote local procurement, the government does little to encourage it. The CSO points to the transport of rice from the southern part of the country to IDPs in the northern region, despite the presence of local rice markets that carry the varieties of rice eaten in the local cuisine.

Groupe FIAN-Haiti reports that the Haitian government has failed to request local procurement from humanitarian organisations and that government and humanitarian actors do not coordinate programmes to restore livelihoods (which also contradicts Principle 7's call for stakeholder coordination). International organisations, charities, and development actors have repeatedly provided surplus food from donor countries as a form of short-term food relief. This has depressed local demand and the livelihoods of peanut farmers, among others.⁷ Multiple chronic socio-political crises and natural disasters over the past three decades have significantly impacted food security, leading to undernourishment in roughly half of Haiti's population.⁸ The more recent impacts of climate change, including rising temperatures and an unstable rainfall cycle, have shortened crop growing cycles, making these market conditions even more dangerous for Haitian producers and consumers.

The Gaza Urban and Peri-Urban Agriculture Platform (GUPAP) along with other Gazan CSOs and some governments encourage the purchase of local products. GUPAP is developing policies that support local pilot projects and reduce the importation of competing products. 80% of the Gazan population is dependent on humanitarian aid,⁹ which is often not diversified (in contradiction to Principle 2), purchased externally, and is out of line with Palestinian food culture, leading to a significant change in the local diet. External development actors have introduced the cultivation of cash crops for export, such as cut flowers, on the limited amount of Gazan agricultural land, at the expense of local food production. GUPAP also writes that international organisations compete with local groups on project implementation, at the cost of best identifying communities' needs and increasing local resilience to the crisis wrought by the Israeli blockade.

Several CSOs encourage the cash-for-food programmes implemented by humanitarian agencies in many contexts, which allow people to purchase food at local markets. In Mali, ADJMOR reports a range of programs carried out by the state and its partners including food, voucher, and cash programs delivered to vulnerable groups in areas most exposed to armed conflict and environmental degradation. Malian civil society has found the cash and voucher programmes to provide communities the freedom to choose foods from a higher-quality selection of products and to boost the local economy. However, the voucher system can also cause food prices to rise and benefits to be directed to a limited number of merchants, as not all are entitled to redeem the vouchers.

In Jordan, the Arab Group for the Protection of Nature (APN) reports that the WFP in 2017 changed its mode of food assistance, which covers 500,000 Syrian refugees, from restricted vouchers to ATM cards that allow wider local procurement and purchase choice. The WFP ensures that 50% of recipients of this assistance are women (aligning with Principle 5's call for equal access to humanitarian assistance for women). APN however found that WFP did not engage sufficiently with the affected community, including women, to assess the effectiveness of the process and to ensure that the value of transfer was sufficient to cover needs.

Principle 1 calls for all actors to support small-holder access to productive resources and remunerative markets.

Humanitarian organisations are not the only actors whose policies impact the viability of local markets. Many CSOs report that trade liberalisation policies and the dominance of large agribusinesses have gravely affected the livelihoods of local farmers.

The National Federation of Peasant Women (AMIHAN) in the Philippines reports that the passage of the highly contested Rice Tariffication Law (RTL) in 2019,¹⁰ which lifted most government controls on rice imports, has caused massive increases in rice importation and losses of an estimated 70-80 billion pesos (US \$1.46-1.67 billion) to about 2.7 million rice farmers after only one year of implementation.¹¹ In place of the RTL, many farmers support the passage of the Rice Industry Development Act (RIDA),¹² which would take measures to develop the domestic rice industry. All farmers are considered beneficiaries of the bill's component programmes, but priority is given to those who operate farm units of less than three hectares and those with annual income below the rural poverty line. The bill also aims to develop a rice distribution system to establish closer links between rice farmers and consumers.

The Arab Network for Food Sovereignty (ANFS) reports that national policies in Jordan have created very heavy reliance on imported food (over 90%)¹³ and export-oriented cash-crop farming, while failing to provide support for local producers who struggle to compete. The fragility of the food system was revealed when conflicts broke out in neighbouring Syria and Iraq, and the resulting border closures and huge influx of Syrian refugees caused a rise in food prices. Farmers incurred immense losses as they were unable to export or forced to use long routes to distribute their produce. When ANFS asked one of the largest foreign aid agencies why it did not support the Jordanian agricultural sector, the agency responded that it is much cheaper for Jordan to import its food from the agency's country of origin.

Groupe FIAN-Haiti reports that large companies degrade the environment and natural resources while dominating local markets. Haitian food producers point to unfair competition that drives the

destruction of local food systems, as the country now favours imported products, cash-crop production, and the transformation of small farmers into manufacturers. By eliminating local traditional food and cultural consumption habits and customary practices, market forces are imposing a homogeneous culture on the Haitian people. This market dominance persists even while the agricultural sector employs 38% of the labour force (60% by some estimates that include subsistence work).¹⁴ A respondent in Azad Jammu and Kashmir reports that increases in external agricultural inputs have raised the cost and lowered the prevalence of local production. The respondent states that the mountainous terrain has long caused wheat dependency, but that, in the past, indigenous vegetables were cultivated, dried, and kept for winter. Now, however, household food-storage practices are limited. The prevalence of food from other regions and of ready-made food has eroded local culture.

Principle 1 calls for attention to the nutritional needs of displaced peoples and host communities through durable solutions, including through the facilitation of the right of refugees to return to their places of origin.

SWAGEN reports that a government program in Uganda, which has the highest number of refugees of any country in Africa, provides land to refugees for growing food, which helps support sustainable nutrition and livelihoods. HIC-HLRN reports that the same practice for Angolan refugees in Zambia and Burundian refugees in Tanzania contributes to the local economy. In Jordan and Lebanon, which have the highest per capita number of refugees in the world,¹⁵ ANFS reports that most actors focusing on refugee issues place nearly all their attention on aiding sustainable resettlement, with few organisations working to end the circumstances that inhibit refugees' safe return home.

APPLICABLE INTERNATIONAL NORMS

Convention relative to the Protection of Civilian Persons in Time of War, 1949 (Geneva Convention IV or Fourth Geneva Convention) (GC IV), § 24, 49, 50, 147

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts,

1977 (Protocol I) (AP I), §§78.1, 78.3
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 1977 (Protocol II) (AP II), §§14, 17.1, 17.2, § 18 - Relief societies and relief actions, ¶2
International Covenant on Economic, Social and Cultural Rights (ICESCR), §§1–3, 11, 12–13, 14, 26–28
Convention on the Status of Refugees (CSR), §23
Charter of International Military Tribunal (Nuremberg) (IMTN), 6 (b)–(d)
Charter of International Military Tribunal for the Far East (IMTFE), §5(c)
Rome Statute for the International Criminal Court (ICC Statute), § 7.1(d), 8.2(a)(vii), 8.2(b)(viii)
International Law Commission (ILC), Draft Code of Crimes against the Peace and Security of Mankind, §20, 20(a)(vii), Commentary, p. 105
UN General Assembly (UNGA), Palestine -- Progress Report of the United Nations Mediator (A/RES/194 (III)), ¶¶11, 12

UNGA, 2030 Agenda (A/RES/70/1), ¶23, 27, 33, 35
 UNGA, Declaration on the Granting of Independence to Colonial Countries and Peoples (1514 (XV)), 1–5, 5(1–4)
 UNGA, Agencies Implementing Decolonization (AID) (A/RES/73/105, recalling 1514 (XV), 1541 (XV)) preamble, ¶¶3, 4, 8
 Committee on Economic, Social and Cultural Rights (CESCR), General Comment (GC) 4: the right to adequate housing, ¶¶1, 3, 8(b), 8(g)
 CESCR, GC 12: human right to adequate food, ¶¶7–13, 21, 23, 25, 26, 29, 37
 CESCR, GC 14: The right to the highest attainable standard of health, ¶¶4, 11, 36, 40, 43(b), 51, 65
 CESCR, GC15: The right to water, ¶¶6, 7, 12 (a), 12(c) (i), 23, 32, 33, 34, 37(i), 44(b)
 UNGA, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (R&R) (A/RES/60/147), ¶19
 UNGA, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (A/RES/61/295), §8(c)
 UNGA, A/RES/64/292: The human right to water and sanitation, ¶¶2, 5(a)
 UNGA, A/RES/70/169: The human rights to safe drinking water and sanitation, ¶5, 6, 9
 UNGA, New Urban Agenda (A/RES//71/256), ¶¶14(a), 34, 51, 67, 68, 70, 71, 88, 95, 123, ©©1.5,

2.4, 13.1, 13.2, 14.2
 UNGA, United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDRoP) (A/RES/73/165), §§2(e), 6(e), 16(5)
 UNGA, Sendai Framework for Disaster Risk Reduction, 2015–2030 (A/RES/69/283), ¶¶19(h), 28(b), 30(j), 33(h)
 UNGA, The New York Declaration for Refugees and Migrants (A/RES/71/1), ¶¶5(c), 41, 42, 80
 UNCHR, forced eviction (1993/77), ¶1
 UNCHR, Prohibition of forced eviction (2004/28), ¶1
 CFS, Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) (Guideline 24. Natural disasters, ¶5; Guideline 14. Restitution, ¶2)
 UNS-CHR, Principles on housing and property restitution for refugees and displaced persons (Pinheiro Principles) (E/CN.4/Sub.2/2005/17), Guideline 10: The right to voluntary return in safety and dignity, §§1–4)

EFFECTS OF COVID-19 ON FOOD SYSTEMS IN PROTRACTED CRISES

The coronavirus pandemic has brought new challenges to food systems in protracted crises. In the early days of the pandemic, the UN Secretary-General António Guterres called for a global ceasefire.¹⁶ On 1 July 2020, the UN Security Council unanimously adopted resolution 2532,¹⁷ which expressed grave concern about the impact of COVID-19 “especially in countries ravaged by armed conflicts, or in post-conflict situations, or affected by humanitarian crises” and demanded “a general and immediate cessation of hostilities in all situations.”

Despite this call, fighting has continued in almost all contexts, and the continuation of sanctions has limited the capacity for national and international health responses. Armed conflict and pandemic each introduce a set of organisational impediments for humanitarian relief, while at the same time blocking farmers’ land and market access. Systemic water and electricity shortages have taken on new urgency, as people are told to wash their hands and clinics try to ensure steady power supplies.

The worst effects of the pandemic's economic downturn have disproportionately impacted the most marginalised segments of society. In many countries, elevated public health risk has provided rhetorical cover for a worsening of human rights violations. Many communities have gone hungry in these months.

❖ Fighting has continued in Somalia, where flooding, locusts, and COVID-19 have combined to strip away what was left of the income and purchasing power of the marginalised and the poor.

❖ Yemen, which faces dire food blockades and widespread famine due to the Saudi-led war, experienced an additional 39% decline in imports in April 2020.¹⁸ In some areas, food prices have increased by 35% since the start of the pandemic,¹⁹ while remittances have decreased and the value of the Yemeni rial has declined. In a country where 80% of people rely on food aid,²⁰ humanitarian agencies currently face a \$1 billion funding shortage and have terminated some food aid projects.²¹ Some fear that drops in foreign assistance may persist for years as wealthier donor countries focus support on their own populations.

❖ In Azad Jammu and Kashmir (AJK), firing has not stopped during Covid-19. People's mobility was restricted first by on-and-off shelling, and then by the lockdown. The Pakistan Army prohibited travel from the capital, Muzaffarabad, into the rural areas of Upper Neelum as there was tension at the Line of Control, and the roads were unsafe at that point. During the lockdown, vital agricultural inputs were not delivered in time for the growing season, resulting in crop loss. Food prices have gone up dramatically, an increase that is a result of the protracted crisis and the pandemic. There has long been a difference in produce prices between Pakistan and AKJ, but during the lockdown, the differential has grown significantly. In the Indian-occupied Kashmir (IOK), the curfew imposed in August 2019 was maintained with no ease in civic or political repression.

❖ In Uganda, virtually no movement was permitted during the COVID-19 lockdown. Travel was curtailed; airports shut down.

Humanitarian organisations such as the Red Cross could not mobilise food aid or deliver what they already had in their stores. The situation threatened the food security of refugees who depend on such aid.

❖ In Sri Lanka, the National Fisheries Solidarity Organization (NAFSO) reports farmers are experiencing a severe shortage of fertiliser due to pandemic disruptions to supply chains which will negatively impact the harvest and create food shortages.

In the face of such challenges, some actors have stepped up to the task of feeding their communities with innovative solutions. A common thread runs through them: shortening food pathways from grower to consumer. This is one of the surest ways to create resilient food networks.

❖ In Gaza (Palestine), the government and civil society actors deliver seeds to encourage home gardens. This extends access to healthy food in a place where farmers are denied access to their land due to pandemic restrictions and Israeli occupying forces creating a military exclusion zone on 30–40% of Gaza's arable land.²²

❖ In Burkina Faso, after much food was wasted when transportation between rural and urban areas broke down, peri-urban food producers began making home deliveries in urban areas when markets were closed, supporting both their own livelihoods and the nutritional needs of urban communities.

❖ In Bangladesh, consumers stocked up on food early on in the pandemic, lowering demand from farmers in the weeks to follow. Without adequate storage options, many farmers suffered severe losses. The activist and NGO group KHANI Bangladesh, worked to link farmers directly to local supermarkets to sell their produce. Government and non-government actors also created portable food markets.

❖ The Consultative Centre for Studies and Documentation in Lebanon, and GUPAP report that the disruption to supply chains has caused more groups to purchase food assistance locally.

❖ APN distributed vegetable seedlings to 16 villages in the northwest of Jerusalem (Palestine) and to broad areas of the southern Jordan Valley to enhance resilience amid road and market closures.

❖ Volunteers in Athens, Greece, report that small donation-reliant social kitchens have seen a five-fold increase in demand during the pandemic, as refugees report being sent there by large humanitarian agencies such as the UN High Commissioner for Refugees (UNHCR).

The COVID-19 pandemic – with its attendant import/export and transportation difficulties – may provide the spark needed for governments to re-examine their support for local food systems. In 2020, CSM prepared three reports on the impact of the pandemic on food security for different communities and the urgent need for the radical transformation of food systems (see “Resources” section).

Principle 2: Focus on Nutritional Needs

Principle 2 sets out guidelines to improve the nutritional status of affected and at-risk people. It highlights the heightened risks facing mothers and young children while prescribing best practices for their support, includes the encouragement of breastfeeding, and heightened program prioritisation of mothers for the first 1,000 days after conception.

A respondent in Colombia writes about the successes of a highly coordinated governmental campaign to address the nutrition deficiencies of young children under the age of 5 and underweight pregnant women. The plan targets areas with the highest child mortality rates due to malnutrition and includes education on exclusive breastfeeding, appropriate complementary feeding, and conceptualizing the human right to food. During programme design, actors conducted consultations with Indigenous Wayú medicine doctors in the La Guajira Department, which is home to the largest proportion of Indigenous Peoples in the country. The plan was implemented and results permanently monitored by inter-sectoral bodies at the local level to ensure location-specific needs are met (which also aligns with the FFA Principle

6 call for localised data collection and analysis). In 2019, the programme witnessed a significant decrease in notified mortality cases associated with malnutrition in children under the age of 5 years. La Guajira's results stood out by decreasing mortality rates by half.

Several CSOs report that WFP runs school meal programmes that aim to enhance nutrition by providing students with snacks, fruits and fortified biscuits. In some countries, such as Jordan, WFP also provides locally made pastries and vegetables to ensure students have access to a diverse diet. While PCFS finds the focus on nutrition crucial, it sees great risks of introducing fortified biscuits, instead of local healthy alternatives. Such biscuits enhance community dependence on the produce of transnational companies.

To improve food safety in protracted crises, Principle 2 calls on actors to strengthen the capacities and effective participation of both local food producers and consumer organisations.

The Iraqi Society for Consumer Rights Defense (IS-CRD) reports that food assistance sent to Iraq does not go through sufficient examination to ensure it is appropriate for human consumption. It has found that many food parcels given to refugees are expired, close to expiry, or otherwise unfit for human consumption. ANFS in Yemen has also reported several cases of expired food distributed to families and found in some WFP warehouses and Yemeni supermarkets. Roots for Equity reports similar experiences with humanitarian aid given to IDPs in Peshawar, Pakistan.

APPLICABLE INTERNATIONAL NORMS

Convention on the Elimination of All Forms of Discrimination against Women (CEDaW), §12(2)
Convention on the Rights of the Child (UNCRC), §24(c)–(d), 27.3

ICESCR, §11(2)

United Nations Security Council (UNSC), resolution 2417 (recalling 1296, 1894, 2175, 2286), ¶¶1, 2, 3

Charter for Food Crisis Prevention and Management in the Sahel and West Africa (2011), Section 6

CEDaW, General recommendation (GR) 27, ¶30, 53, 55(a)(b))

CEDaW GR32
CEDaW, GR33
CEDaW, GR34, ¶¶17(a), 36(a)–(c)
Committee on the Rights of the Child (CRC), GC7, 36(b)
CRC, GC11, 53
CRC, GC15, ¶¶41, 44, 88
CESCR, GC12, ¶¶9, 12, 29
CESCR, ICESCR Reporting Guidelines (E/C.12/2008/2), ¶48(b)
UNGA, UNGA, Transforming our World: the 2030 Agenda for Sustainable Development (2030 Agenda) (A/RES/70/1): States commit to: 'End hunger, achieve food security and improved nutrition and promote sustainable agriculture' by 2030 (SDG2, Target (2.1), Indicator (→)1, →2; 2.2, →1; 2.3, →1–2; 2.4, →1; 2.5, →1; 2.a, →1; 2.b, →1: Agricultural export subsidies; 2.c, →1: Indicator of food price anomalies
Food and Agriculture Organisation (FAO), Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (RtFG), Guideline 10 on nutrition; Guideline 17: Monitoring, indicators and benchmarks

Principle 3: Reach Affected Populations

Principle 3 addresses the provision of food, nutrition, and livelihood assistance to impacted and at-risk people. It emphasizes the need for actors to align their policies and interventions with humanitarian principles (humanity, neutrality, impartiality, independence), each of which is necessary to gain and maintain access to affected people.

Civil society actors in West Asia report that interventions – even those designed to conform to human rights-based approaches – are used to either benefit or harm particular parties in conflicts. In Lebanon, a CSO reports that many European donors function only in areas that are politically aligned with their agendas. The Palestinian Farmers Union reports that the EU forces local organisations to sign an "anti-terrorism" pledge, forbidding them from providing development or humanitarian assistance to relatives of individuals who are affiliated with certain political parties. They also cite the politicisation of aid including the decision of the U.S. to completely cut financial support to the Unit-

ed Nations Relief and Works Agency for Palestine refugees in the Near East (UNRWA) as a means to coerce the Palestinian Authority to make political concessions, and to attempt to dissolve UNRWA and the corresponding rights of return and reparation for the Palestine refugees.

In Somaliland, Daami Youth Development Organisation reports that ethnic minorities did not receive aid from many of the cash-for-food projects run by humanitarian aid agencies, the UN, and INGOs.

Principle 3 explicitly recognises the need to access people living in contexts of occupation, conflict, terrorism, and man-made and natural disasters. It also states food should not be used as a tool for political or economic pressure, including through undertaking unilateral measures that are not in accordance with international law and that endanger food security and nutrition (such as sanctions).

The Yemeni Union of Agricultural Cooperatives reports that coalition airstrikes have systematically destroyed local food systems by targeting agricultural land, poultry farms, food processing plants, rural markets, fishing boats, and ports. Before the war, 73% of the population relied on fishing and agriculture for their livelihoods.²³ Of a population of 29 million, 13.5 million people are at risk of starvation.²⁴

The Saudi-led Coalition imposes restrictions on commercial goods, fuel, food, and medicine entering the country, raising prices and creating shortages of all these essential goods. The United States of America (US), United Kingdom (UK), Germany, Saudi Arabia, and United Arab Emirates (UAE) have funded the vast majority of the humanitarian response to this man-made crisis,²⁵ yet these are the same countries that have directly contributed to this dire situation either as parties to the conflict or by supplying arms and military equipment. The coalition-backed government selectively withholds salaries from civil servants, exacerbating Yemen's liquidity and devaluation crisis.

Ansarallah and allied forces have also obstructed humanitarian assistance through excessive bureaucratic procedures, the demand of bribes (in violation of Principle 11 on effective governance) and attempts to control aid delivery.²⁶

A respondent from Ethiopia reports that the Government of Ethiopia denied the movement of goods and civilians in and out of the region. On 4 November 2020, the government began an attack on the Tigray Regional State to oust and apprehend elected regional administrators under the name of "law enforcement". The armed conflict has included airstrikes by the Ethiopian military, massacres by supportive militias, and electricity and communications blackouts.²⁷ The conditions have displaced over a million people, with tens of thousands migrating to neighbouring Sudan to gain refuge. The government is preventing those fleeing danger and atrocities from reaching safety and are not allowing humanitarian agencies adequate access.²⁸ Now, many fear they will perish from lack of food as well as from military and militia violence.

Syria was self-sufficient in wheat until the first decade of the 21st century but is now largely dependent on food aid and imports. Debilitated by a brutal conflict that has been unfolding on its territory since 2011, Syria has become a war arena for local, regional and global powers. This has exposed the Syrian people to indiscriminate bombing, systematic destruction of civilian infrastructure²⁹ and the use of food as a weapon including "starvation by siege" tactics,³⁰ as well as other documented human rights violations committed by all parties to the conflict by various degrees.³¹ These parties include the Syrian state, the Syrian armed opposition in its myriad factions and splinter groups, the United States of America (US) and its European allies (principally Britain, France and Germany), Turkey, Iran, Russia, Israel, Qatar, the United Arab Emirates (UAE), and Saudi Arabia. The country is struggling today under the weight of US-led international sanctions endorsed by the same actors who seek to establish a new geopolitical order in the region by keeping Syria on the brink of failure while hindering national reconciliation efforts. An additional 1.4 million people became food insecure in the first half of 2020, when food prices increased three-fold.³² Simultaneous pandemic-related disruptions have driven further the decline in food security. The sanctions constitute an additional form of collective punishment affecting the most vulnerable among the Syrian people by heavily restricting the flow of cash, oil, and machinery needed to reboost the Syrian economy.³³ Of direct relevance to food security and access to natural resources is the

continued US occupation of the Jazira region (the Syrian granary)³⁴ and the withholding by Turkey of water from the Euphrates.³⁵

For 13 years, Israel has placed the Gaza Strip under a blockade that severely restricts the import of food and agricultural inputs. One Israeli official admitted to Israel putting Palestinians in Gaza "on a diet" – documents later revealed Israeli calculations of the minimum calorie requirements of the Gazans living in the enclave.³⁶ Due to the restrictions, 1.14 million people – 82% of Gaza's refugee population – are dependent on food assistance from UNRWA alone.³⁷ Meanwhile, Gaza faces a severe water crisis³⁸ due primarily to three unremedied causal factors behind the crisis: Israel's forced population transfers in 1948³⁹ and 1951-53⁴⁰ which have unsustainably densified the population, exhaustion of Gaza's three underground freshwater basins by its agro-settler colonies (1972–2005),⁴¹ and over-pumping of the natural aquifer flowing to Gaza from the West Bank's Jabal al-Khalil.⁴² Other factors include the repeated targeted bombing of Gaza's water and sanitation infrastructure in 2008-09, 2012 and 2014.⁴³

The People's Coalition for Food Sovereignty (PCFS) reports that sanctions in Latin America are causing widespread damage to peoples' right to food. In Venezuela, the US is using sanctions to support a government change that would increase foreign market access and extractive industry expansion⁴⁴ despite contributing to a food crisis that has left one third of the country's citizens food insecure.⁴⁵ The Cuban people have also suffered over 60 years of reduced access to food, medicine, and basic goods, due to US sanctions. PCFS notes that the effects of unilateral sanctions are not unique; multilateral sanctions on countries including Sudan, Iran, and North Korea have severely limited policy options in facing the coronavirus pandemic and have deepened food insecurity.⁴⁶

APPLICABLE INTERNATIONAL NORMS

**The Hague Regulations of 1907: §§46, 47, 52, 55
42–56 as under Principle 1 above**
**All Geneva Conventions (I–IV), Common §3
GC IV: §23, 35, 36, 49, 55, 61, 89, 127
AP I, §§54.1–2, 54.3–5, 70.1–2
AP II, §§131–2, 14, 18.2**

ICC Statute, §8.2(b)(xxv)

UNSC, S/RES/2417 (2018) [reiterating S/RES/1296 (2000), 1894 (2009), 2175 (2014), 2286 (2016)]

Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (The Hague Regulations of 1907), §§42–56
Customary International Humanitarian Law: Rules 53: Starvation as a method of warfare, 55: Rapid and unimpeded passage of humanitarian relief for civilians in need, 56: freedom of movement of authorized humanitarian relief personnel

UNSC, Protection of Civilians in armed conflict (S/RES/2417), ¶¶5, 6, 10

CESCR, GC12, ¶¶38, 39

UNGA, 47/19, 48/16, 49/9, 50/10, 51/17, 52/10, 53/4, 54/21, 55/20, 56/9, 57/11, 58/7, 59/11, 60/12, 61/11, 62/3, 63/7, 64/6, 65/6, 66/6, 67/4, 68/8, 69/5, 70/5, 71/5, 72/4, A/RES/73/8

UNHCR, The negative impact of unilateral coercive measures on the enjoyment of human rights (A/HRC/RES/37/21, A/HRC/RES/40/3, A/HRC/RES/43/15)

FAO, RtFG, Guideline 16.1, 16.6

CESCR, GC12, International Obligations, ¶37

CFS, Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the context of Food Security and Poverty Eradication (SSF Guidelines), Principles 5.9, 5.12, 6.18

Rome Declaration on World Food Security and World Food Summit Plan of Action, preamble, ¶37

HUMANITARIAN ASSISTANCE IMPEDED BY COUNTER-TERRORISM MEASURES

Several CSOs report particular challenges to humanitarian assistance brought on by counter-terrorism laws. The designation of armed groups as 'terrorist' in areas where humanitarian engagement is most necessary, such as in al-Shabaab-controlled areas of Somalia, has become commonplace. This has affected the civilian population in need, as illustrated in northeast Nigeria, where life-saving assistance failed to reach some areas because humanitarian organisations limited their programmes to government-held areas fearing breach of counter-terrorism laws.⁴⁷

Civilians are entitled to food, shelter, education,

good governance training, and other elements of a sustainable livelihood under international human rights law, including in conflict situations.⁴⁸ International Humanitarian Law (IHL) provides the legal framework within which humanitarian organisations may access vulnerable populations in such contexts.⁴⁹ IHL does not create a 'right of humanitarian access' or an unlimited mandate for humanitarian organisations to carry out activities in the way they see fit. For humanitarian actors to assist communities in need, they require engagement with all parties operating on the ground, including non-state armed groups.⁵⁰ If these groups are not contacted, or if the acceptance of humanitarian aid or protection is not agreed upon, then the delivery of such aid will be extremely hazardous or will not take place at all.⁵¹

Various instruments within the counter-terrorism framework, including UN Security Council sanctions – which designate armed groups as "terrorist organisations" and territories under the control of such armed groups as 'terrorist territories' – have made it extremely challenging for humanitarian actors to abide by core humanitarian principles. Fear of prosecution under the strict counter-terrorism laws of the US and the UK has discouraged many humanitarian actors from delivering vital emergency assistance.⁵² Prohibitions on providing support to designated groups are vague. Humanitarian groups have reason to fear charges if relief supplies get diverted to or otherwise benefit armed groups. Necessary incidental payments, and even the provision of medical assistance to wounded and sick members of these groups, can open the door to prosecution.⁵³ Additionally, the donor sector has significantly restricted funding to humanitarian actors working in 'high-risk' countries. In effect, the counter-terrorism framework has negatively affected people whom IHL seeks to protect, including wounded and sick fighters and civilian populations in armed conflicts.

Some recommendations for alleviating the tension between counter-terrorism laws and humanitarian action include exemptions for humanitarian operations in sanctions and counter-terrorism regulations, coherent dialogue between states, donors, and the humanitarian community, strong due diligence procedures for humanitarian organisations to mitigate aid diversion, and organised opposition to the overreach of these laws.

**Principle 4:
Protect Those Affected by or at Risk
from Protracted Crises**

Principle 4 calls for all actors in protracted crises to uphold their obligations under International Humanitarian Law and International Human Rights Law. It also calls for the use of other relevant global policy guidelines and seeks protection for several groups who frequently face higher levels of food insecurity in protracted crises: refugees, IDPs, and Indigenous Peoples.

Several respondents report unmet needs and violence against Rohingya refugees. In India⁵⁴ and Bangladesh,⁵⁵ pandemic-related lockdowns have left NGO and UN agency staff unable to reach some Rohingya living in camps, leading to shortages of food and water. In India, one Rohingya camp resident reported police violence against refugees who leave the camp to buy food. In Malaysia, Rohingya refugees have been denied entry to wet markets during the pandemic, reducing their access to food and negatively impacting the livelihoods of the many refugees who work inside the markets.⁵⁶

KATARUNGAN reports that the criminalisation of peasant movements has resulted in arrests, imprisonments, and litigation expenses that divert money from basic food needs. The Peasant Movement of the Philippines cites at least 277 extrajudicial killings of peasants since President Duterte came to office and began to terrorise rural communities and evict them from the land they till.⁵⁷ The new Anti-Terror Law (2020) has given the government more power to arrest and detain people, while leading to an increase in violence and the murder of activists.⁵⁸

Similar violations are reported from IOK, where Indian women's rights forum MAKAAAM has released a strong statement⁵⁹ denouncing the Jammu and Kashmir administration's forced evictions of the Indigenous Bakarwal Gujjar People from their customary forest territories where they have lived for centuries, describing the atrocities as part of the Indian state's land grab scheme.

The FFA stops short of explicitly reminding states of their extraterritorial obligations under international law but does assert: "States, parties in-

olved in conflict, and other stakeholders should consider how their policies and actions could impact food security and nutrition in other regions and countries."

When a state implements policies that negatively impact the human rights of people in another country – either through commission or omission – it may violate that state's extraterritorial obligations (ETOs) to respect and protect the economic, social, and cultural rights of people living in other countries.

ETOs can arise in the commercial trade of food across borders. In the West Bank (Palestine), settlers whom the Israeli state has illegally transferred into the occupied land run farms that export produce abroad.⁶⁰ While the European Court of Justice has ruled that Israeli settlement products must be labelled as such to maintain transparency towards consumers,⁶¹ the move is insufficient. To uphold its extraterritorial obligations, the European Union must, at a minimum, ban the import of Israeli settlement goods.

In Western Sahara, agricultural products grown by Moroccan companies on Sahrawi land and seafood procured in Sahrawi territorial waters are also exported. Both of these cases constitute violations of the ETOs of states not to recognize or assist illegal settlements in occupied territories.⁶² In 2018, the EU Court of Justice invalidated the EU-Morocco Fisheries agreement as a clear violation of international law including laws of occupation.⁶³ This court decision prevents EU fishing vessels from exploiting Western Sahara's coastal waters in collaboration with Morocco. This case may provide a template for those seeking an end to illegal collaboration with occupying states.

APPLICABLE INTERNATIONAL NORMS

**All Geneva Conventions (I-IV), common ¶1
[See references to *The Hague Regulations, IMTN, IMTFE, ILC 1991, GC IV, AP I, AP II, ICC Statute under Principle 1 above*]
ICESCR, §2(1)
CSR and 1967 Protocol, §§1.A(2), 23, 33.1
UNSC, resolution 2467, ¶¶1, 15, 16(a), 32
UNGA/ILC, Articles on Responsibility of States for Internationally Wrongful Acts (ARISWA) (56/83), §§40.1–2, 41.1–2**

International Court of Justice (ICJ), Legality of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion of 9 July 2004), 146

African Convention Governing the Specific Aspects of Refugee Problems in Africa, §V.5
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), §(§3.1, §4.2, §7.5 §9.2
Charter for Food Crisis Prevention and Management in the Sahel and West Africa, Section 5

CESCR, GC8: The relationship between economic sanctions and respect for economic, social and cultural rights, ¶¶3, 7, 10–14

CESCR, GC15 the right to water, ¶¶31–33, 44(b)

CESCR, GC24 on State obligations in the context of business activities, ¶¶26, 28, 29, 36–57

CEDaW, GR32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, ¶¶22–23

UNGA, New York Declaration for Refugees and Migrants, (A/RES/71/1), ¶80

ILC, Articles on the Responsibility of International Organisations (ARIO) (A/66/10), §§14–17

UNHCR, Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), Principles 11.2, 18.2(a)

Principle 5:
Empower Women and Girls, Promote Gender Equality and Encourage Gender Sensitivity

Principle 5 calls on actors to promote equal rights for women and men and to ensure equal access to productive resources, services, income-generating opportunities, and food assistance, particularly in light of the heightened risk of food insecurity borne by women and girls in protracted crisis. Actors should strengthen and seek out women's knowledge and capacities in the development and implementation of programmes and policies, including through interventions that promote equal participation and leadership in decision-making processes.

CSOs report violations of women's right to food and a lack of gender equality as persistent problems across all regions facing protracted crises. In many contexts, civil society reports that government policies to address issues of women's rights exist at national and/or sub-national levels, but are not effectively implemented. CSOs also report

that the numerous efforts by CSOs, donor, and development and humanitarian organisations to promote women's rights frequently lack a uniform approach. Often, piecemeal interventions lead to some success stories, while overall conditions for women remain unchanged, and the civil and social agency that is essential to securing adequate food and nutrition is denied.

In Uganda, SWAGEN reports multiple difficulties in upholding this principle. Although many Sub-Saharan African countries have gender equality enshrined in the law, they also espouse a parallel system of patriarchy that severely limits women's and girls' access to food. In Northern Uganda, where armed conflict raged for twenty years, many women have lost husbands and many children have lost fathers through war or displacement. Nearly one-third of all households are female-headed.⁶⁴ The enduring protracted crisis weakens many institutions and support systems that would otherwise protect women's and girls' rights. Because of the failures of both state and customary justice to protect women's legal rights, most widows, single women, orphans, and fatherless children lose their land to land grabbers with dramatic consequences to their livelihoods and food security.

In Azad Jammu and Kashmir (AJK), the difficulties posed by occupation and chronic violence contain an ongoing gender component. A member of the Pakistani Roots for Equity reports that Kashmiri women and young girls are sexually abused and harassed by Indian Occupying forces while fetching water from the springs and wood from the forests. Another CSO member living in AJK writes that shelling has also prevented the collection of fodder from the forests and limited the number of livestock families can maintain. The member also reports that the lack of development projects in territories occupied by Pakistan has led many men to migrate to seek work in Pakistan. This has destabilized families and made life very difficult for women living at home with children.

Some CSOs have designed gender-specific interventions. In Bangladesh, KHANI reports that some of its member organisations and other CSOs built initiatives during the coronavirus pandemic to establish women-friendly and women-exclusive marketplaces.

APPLICABLE INTERNATIONAL NORMS

ICESCR and ICCPR, §2.1

ICCPR, §25

CEDaW, §§7, 8, 14.2(a)–(g)

UNSC Resolution 1325 on Women, Peace and Security, preamble

CESCR, GC16, ¶21

CEDaW, GR30, ¶33(b)

CEDaW, GR34, ¶¶12–14, 36(c), 54(f)

CEDaW, GR35, ¶28

CEDaW, GR37 on older women and protection of their human rights, ¶26)

UNGA, 2030 Agenda, SDG 5, ⑤5.1, 5.4, 5.5, 5.a–c

FAO, RtFG, Guidelines 3.9, 5.6, 8.12, 9.9, 11.5, 14.5

Commission on the Status of Women (CSW 58), Agreed Conclusions (2014), ¶42(tt)

CFS, VGGT, Principles 2.6, 4.10, 5.5, 8.7, 8.9, 9.2, 9.10, 9.12

United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities (UNS-CHR), Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles) (E/CN.4/Sub.2/2005/17), Principle 4, ¶¶1–3

Principle 6:

Ensure and Support Comprehensive Evidence-Based Analyses

Principle 6 specifies that analyses of crises and interventions should be country owned. Analyses should include the examination of underlying causes of crises. External actors should instead support the data collection and analytic capacity of countries in protracted crises. Data should be disaggregated, including by gender, to help ensure that disparities in the impact of the protracted crisis and its interventions are identified.

Few CSOs mention particularly strong programs for data collection or the disaggregation of data related to humanitarian assistance. In Somaliland, Daami Youth Development Organisation (DYDO) calls for better mapping of food insecure and vulnerable groups and of outreach to marginalised groups who are often excluded from assistance. The CSO Partnership for Development Effectiveness (CPDE)⁶⁵ has created a Working Group on Conflict and Fragility to perform research, including on conflict contexts, their underlying causes and prospective remedies. Such research informs de-

velopment cooperation and reaffirms the humanitarian-development-human rights-peace nexus.

HIC-HLRN has trained many of its grassroots member organisations in data collection, developing tools and techniques for quantifying losses, costs and damages in cases of housing and land evictions and other violations, including specialised applications to capture the impacts on women. This enables affected communities to collect reliable and usable data in advocacy for their own land rights.

APPLICABLE INTERNATIONAL NORMS

CEDaW, GR30, ¶¶12, 33(b), 33(e)

UNGA, 2030 Agenda, SDG3: Ensure healthy lives and promote well-being for all at all ages, ③3.d; SDG Goal 13: Take urgent action to combat climate change and its impacts, SDG13, ⑬3.3

UNGA/UN Economic and Social Council (ECOSOC), Implementation of UN General Assembly resolution 67/226 on the quadrennial comprehensive policy review of operational activities for development of the United Nations system (A/71/63–E/2016/8), ¶¶9, 79

FAO, RtFG, Guideline 16.7

UNGA, Sendai Framework for Disaster Risk Reduction, 2015–2030 (A/RES/69/283), ¶¶25(g), 48(c)

Charter for Food Crisis Prevention and Management in the Sahel and West Africa (2011), Section 5

Principle 7:

Strengthen Country Ownership, Participation, Coordination and Stakeholder Buy-in, and Accountability

Principle 7 elaborates on country ownership of food security and nutrition policies and actions, which is crucial to avoid parallel governance and its attendant destabilising effects. The FFA promotes an understanding of country ownership that includes populations as well as governments. To this end, Principle 7 calls for the affected and at-risk people to receive accessible and timely information and participate in decision making. Civil society and Indigenous Peoples should be invited to participate through autonomous, self-organised mechanisms.

Civil society organisations from most regions re-

port that crisis-affected people are able to participate in some decisions and policy-making, but to an insufficient degree. In Uganda, SWAGEN reports that refugees, IDPs, and other affected people are consulted in decision-making, but the government frames this participation as a privilege, not a right. These groups' opinions do not necessarily carry weight in programme development and participants struggle to demand accountability from government actors.

In Jordan, APN reports that many foreign development actors do not consult national institutions and undertake projects that undermine local food systems and do not align with national priorities. These actors treat government ministries like sub-contractors instead of partners. APN reports that FAO and WFP are among the very few actors that do consult national authorities: the WFP developed a Country Strategic Plan in collaboration with governmental institutions that it uses to guide its food interventions, and also supported the creation of a national food security committee to respond to the Syrian refugee crisis. This committee, however, fails to involve local CSOs and consult with affected communities.

In Bangladesh, KHANI reports that despite civil society's efforts to hold public hearings and involve the most affected communities in decision-making, the opinions of these communities have not ultimately been reflected in policies and actions. They also note a lack of transparency in decision-making processes. For example, food aid has been used as a way to promote food fortification, despite calls from local communities to eliminate this practice.

The civil society member reporting from Azad Jammu and Kashmir (AJK) on the mobility restrictions the Pakistani military placed on farmers to keep them sheltered from conflict states that restrictions should not have been imposed without community consultation, to allow the safety of the villagers' livelihoods as well. Pakistani Roots for Equity reports that there is very little civil society presence in AJK, raising challenges for community-led interventions.

In Indonesia, the Aliansi Gerakan Reforma Agraria reports that there was no open or democratic mechanism to ensure CSO participation during

the planning, implementation, or evaluation of the National Strategy for COVID-19, including its components on food security and agriculture. Government institutions, military, and police have led and implemented the COVID-19 response with almost no CSO involvement at the national, regional, local, or village scale.

To sustain country ownership, Principle 7 calls for interventions to carry strong accountability processes, including transparent and accessible feedback and complaint mechanisms open to those affected by interventions.

In Somalia, 30 settlements with majority ethnic-minority residents did not receive food distributed by the WFP and its partners. Local social dynamics had interfered with the WFP's commitment to "Leave No One Behind." In response, Minority Rights Group (MRG) met with senior WFP staff, leading to the inclusion of minority representatives in district-level meetings on food aid distribution.

Many CSOs called for heightened attention to accountability throughout the coronavirus pandemic. They report that transparency and anti-corruption measures must be put into place alongside fast-tracked aid and relief programs to ensure the disbursement of funds for those in urgent need. Contracts must be made public to mitigate risks of overpricing, monopoly, and collusion.

APPLICABLE INTERNATIONAL NORMS
Respect, protect and fulfil (rpf) the right to self-determination:

UN Charter, §§1.2, 55)

ICESCR, §1.2

International Labour Organisation (ILO), Rural Workers' Organisations Convention, 1975 (No. 141), §§3.1–3, 4, 5.1–3, 6

ICJ rulings on the obligation to rpf the right of self-determination as an obligation erga omnes ICJ, *Barcelona Traction, Light and Power Company, Limited, Second Phase, Judgment* (ICJ Reports 1970), p. 32, ¶133; p. 199, ¶156

ICJ, *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276, Advisory Opinion of 1971* (ICJ Reports 1971), ¶126

ICJ, *Western Sahara, Advisory Opinion, General*

List No. 61 (ICJ Reports of 1975), p. 36, ¶70
ICJ, *Portugal v. Australia, (East Timor) Judgment of 30 June 1995 (ICJ Reports 1995), p. 102, ¶29; p. 192, ¶1*
ICJ, *Legality of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004 (ICJ Reports 2004), p. 184, ¶22; p. 199, ¶55*
UNSC, Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council (S/2002/161), ¶¶14, 25
UNGA, Declaration on the Granting of Independence to Colonial Countries and Peoples (1514 (XV), §§1–4
UNGA, Permanent sovereignty over natural resources (1803 (XVII), §§1, 6
UNGA, The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (2625 (XXV), preamble
UNGA, Declaration on the Establishment of a New International Economic Order (3201 (S-VI), §4(a)–(i), (q))
UNGA, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (A/RES/61/295), §§3, 4, 8(b), 26.2, 26.3, 27, 28.1, 28.2, 29.1
UNGA, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (A/47/136), §§1.1, 2–4
Commission on Security and Cooperation in Europe (CSCE), Final Act of the Conference of 1975 (Helsinki Accords), Equal rights and self-determination of peoples: ¶VIII
CFS, VGGT, Guidelines 5.8, 8.7

Principle 8: Promote Effective Financing

Principle 8 recognises the role of effective and adequate financing for food security and nutrition interventions in protracted crises. Countries burdened by debt or cyclical financial crises may find it particularly difficult to achieve food and nutrition security. Principle 8 advocates debt relief, reduction, and management for these states. It also advocates the unimpeded flow of remittances, which often are critical to economies in protracted crises.

Many farmers are not able to access agricultural credit. In Mali, the government recognized this issue and established a specific mechanism for access to agricultural credit.

Haiti is very reliant on remittances, accounting for more than 38% of the country's GDP in 2019.⁶⁶ This financial situation leaves the country very vulnerable. Significant losses in remittances and income due to lockdowns have left many people subsisting on a single meal a day.

Myanmar saw virtually all economic activity come to a halt when the border with China closed at the start of the pandemic, impacting the livelihoods of agricultural workers and IDPs working as day labourers. It is particularly important for countries with vulnerable economies to support local agriculture.

During the early 2010s, Lebanon shared the impact of the multiple crippling sanctions on Syria owing to the strong trade and economic relations between the neighbouring countries. Lebanon, even while in dire need of capital, was one of the first countries to stop accepting investment by Syrian businesses for fear of attracting US sanctions, particularly given its heavily dollarised financial sector.⁶⁷ Before the decade was over, US pressure, in the form of a wide array of sanctions, expanded to include Lebanon's financial system, preventing foreign investors and many Lebanese citizens living abroad from depositing money in Lebanese banks or sending remittances. This has starved Lebanon of billions of dollars. The heavily indebted country struggled as depositors rushed to withdraw their savings and the financial sector effectively shut down. Thousands of businesses closed down, laying off thousands of workers.⁶⁸ By some estimates, 55% of households are now below the poverty line.⁶⁹ Lebanon's weakened currency has curtailed its ability to import basic necessities, leading to shortages in staples like wheat.

Financial crises are also triggered by austerity measures that severely impact food producers and consumer/cooperative initiatives. Several austerity measures in Greece, including changes to agricultural taxes, social security regimes and the drive towards privatisation and trade liberalisation, have contributed to undermining the right to food.⁷⁰ Not only have austerity measures increased

rural poverty and food insecurity, they have further consolidated an agri-food business regime that will perpetuate inequalities in access to and control over food.

APPLICABLE INTERNATIONAL NORMS

UNGA, Addis Ababa Agenda for Action (AAAA) on Financing for Development (A/RES/69/313), ¶¶4, 33, 66, 68, 93, 94, 98, 101, 105

Principle 9: Contribute to Peacebuilding through Food Security and Nutrition

Principle 9 states that policies and actions to address food and nutrition insecurity should be carried out in a conflict-sensitive manner and should contribute to peacebuilding initiatives. Actors should seek lasting peace that is not lost once the provision of food and nutrition assistance has ended. Such lasting peace must respect human rights under international law, including access and use of natural resources.

While many local CSOs and UN organisations see the upholding of human rights and IHL obligations as integral to their mandates, they rarely succeed in convincing warring or occupying parties to adhere fully to these norms. CSO representatives from most regions identified the lack of adherence to international law as a key factor in food and nutrition insecurity. Furthermore, civil society groups report that interventions by international development and humanitarian actors rarely mention or address the root causes of conflicts, such as colonisation, imperialism, occupation, blockades, sanctions, and resource theft, and the need for states to uphold their obligations under international law. The Civil Society and Indigenous Peoples' Mechanism (CSM) stresses that Indigenous Peoples' permanent sovereignty over their land, water, and natural resources must be at the forefront of international assistance projects in these, and all areas. CSM further underscores the need for justice and the fulfilment of human rights before and within peacebuilding initiatives and the conclusion of belligerent occupations and colonial rule as pre-requisites to just and sustainable peace.

OCCUPATION

Belligerent occupation occurs when a state's forces, military or otherwise, exceed the state's borders to control another territory and its population. Under occupation, Indigenous populations are unable to exercise their right to self-determination and sovereignty over their renewable and non-renewable natural resources.⁷¹ Occupation often causes or accompanies additional factors that exacerbate food system pressures, including violations of civil, cultural, ecological, economic, political and social human rights; blockades; restrictions on financial transfers; pillage; population transfers, including the implantation of settlers and settler colonies, and armed conflict. The creation of some kind of administration by the occupying power differentiates occupation from invasion.⁷² International law prohibits an Occupying Power from altering the legal system in an occupied territory, which includes land administration and planning laws.⁷³

Occupying Powers have the duty to protect and fulfil the human right to adequate food and nutrition of the population living under occupation. In all cases of occupation where people's rights to self-determination and sovereignty over natural resources are denied, so too is the ability of those people to achieve food sovereignty. This manifests in different ways, from exploiting the occupied people as a captive market for alien products and stifling local production, markets, and trade, to extracting natural resources across the occupied land and territorial waters.

While occupations take many forms, they typically disrupt local food systems and drain the natural wealth of occupied lands.⁷⁴ Occupations with these features include, among others: Israeli-occupied Palestine and Syrian and Lebanese territories, Chinese-occupied Tibet, Indian-occupied Jammu and Kashmir, Moroccan-occupied Western Sahara, and US-occupied Iraq and Afghanistan.

The conflict in Kashmir, originating from British colonial rule in India, has deeply hurt local food rights. Both Indian- and Pakistani-occupied Kashmir have been conflict regions since Partition in 1947. Today, Kashmir is divided into three parts, with 55%, 30%, and 15% controlled by India, Pakistan, and China, respectively. India and Pakistan both claim sovereignty over disputed territories. The majority of the

population resides in the Indian-occupied Kashmir (IOK). On 5 August 2019, India revoked the special administrative status given to IOK, in essence annexing the land.⁷⁵ India has repealed Jammu and Kashmir land laws that strip the Permanent Residents of Jammu, Kashmir, and Ladakh of exclusive right to acquire and hold immovable property in the state. This law now allows Indian nationals to buy land in the disputed territory.⁷⁶ Local fear has arisen that the new laws will lead to the eviction of the Kashmiris from their lands to favour Indian settlement. The Indian state has issued an assurance that no agricultural land will be sold, but, at the same time, a district collector is now empowered to approve the conversion of agricultural land for non-agricultural purposes, potentially impeding both food security and food sovereignty.⁷⁷

India has blocked communications from the area and placed the region under months of curfew. Despite access and internet restrictions, extreme human rights violations have been reported in the IOK region, where hundreds of thousands of Indian troops are deployed.⁷⁸ These violations are ruinous to local agriculture. Muslim farmers are often persecuted; their agricultural land has been seized with little or no compensation. Shelling causes fires in maize fields when the maize is dry and ready to harvest. In Pakistan-occupied Kashmir (POK), near the Line of Control, farmers face heavy firing that destroys land and homes. During skirmishes, the entire Neelum Valley, with a population of 191,000 has been closed off, making it especially difficult for farmers to bring their produce to the markets. Only the end of occupation and fighting will allow residents of these areas their human right to food and restore other means of subsistence.

The occupation of Western Sahara by the Kingdom of Morocco began in 1975 with the withdrawal of the Spanish colonial forces. It triggered dire food insecurity in Western Sahara and in the Sahrawi refugee camps of Algeria, where over 160,000 Sahrawis are almost entirely dependent on food aid brought in by humanitarian organisations.⁷⁹ While all UN specialised agencies are required to have programmes for implementing the UN Declaration on the Granting of Independence to Colonial Countries and Peoples for such non-self-governing territories toward self-determination, with the exception of WFP food aid to Sahrawi refugees in Algeria, no RBA has developed such a plan or dis-

charged that duty.⁸⁰ Meanwhile, in Western Sahara, heavy landmine contamination and a militarised 2,700km-long berm built along the line of occupation pose grave risks to people and livestock and prevents Sahrawi traditional pastoralist movement. Morocco exploits Sahrawi fisheries, water, minerals, and agricultural resources (including phosphates for export as fertiliser inputs). Morocco's military also culls Sahrawi livestock.

Amid these conditions, the Saharawi Union of Farmers describes its community-based initiatives toward food sovereignty, including its help of Saharawi farmers in raising goats and growing fresh produce. This work helps respond to nutritional needs, as protein and fresh food are in high demand (aligning with Principle 2). It also reduces the total dependency on international food rations and imports from Morocco and begins to re-establish local markets. The malnutrition faced in Sahrawi land and the Algerian refugee camps will only be remedied by the self-determination of the Sahrawi people and their control over Western Sahara's productive resources.

ANFS sees this long-lasting conflict as rooted in European colonisation in Africa and urges all parties to find a solution that allows regional cooperation and food sovereignty while maintaining all peoples' human rights.

Since the proclamation of the State of Israel in 1948 on the majority of historic Palestine, Palestinians have been subject to decades of population transfer, ethnic cleansing, institutionalised material discrimination, land and water grabbing, belligerent occupation, apartheid, periodic military attacks, and other forms of daily violence, as well as sanctions, blockade, and closure. This has resulted in the loss of agricultural livelihoods and increased food insecurity, with 32.7% of Palestinians, including 68.5% of people in the Gaza Strip, now food insecure.⁸¹

Palestinians in the West Bank, Gaza, and inside the 'Green Line' (within Israel's undefined borders) are routinely prevented from accessing their own resources. In the West Bank, 42% of Palestinian land is controlled by illegal Israeli settler colonies,⁸² and the Apartheid/Separation Wall effectively confiscates another 8.5% of West Bank land⁸³ and prevents Palestinians from reaching their farmland to

the west of the Wall. Similarly, Israel has declared 30% of Gaza's fertile land a military "buffer zone", where farmers who continue to use their land are often shot at.⁸⁴ Fishermen in Gaza are also severely restricted from their legally guaranteed territorial waters and are also regularly shot at by Israeli naval forces if they are perceived to have strayed too far from the coastline.⁸⁵

Israeli settlers and soldiers regularly uproot, burn, or otherwise vandalise Palestinians' fruit-bearing trees. Freshwater reserves in the West Bank are controlled by Israel, mainly through Mekorot, the national water company, which extracts Palestinian water for use in Israeli settlements and inside the "Green Line," and sells the remainder back to Palestinians.⁸⁶ Many illegal Israeli settlements⁸⁷ contain chemical manufacturing plants, including agrochemical plants, that discharge contaminants into Palestinian land and water.⁸⁸ In Gaza, intermittent Israeli bombing campaigns destroy agricultural and fishing infrastructure and equipment, while aerial herbicide spraying destroys crops.⁸⁹

Israeli colonisation and occupation have destroyed more than 500 Palestinian town and villages.⁹⁰ There are over 7 million Palestinian refugees dispersed in the West Bank and Gaza, and around the world. According to UNGA Resolution 194 and other standards of international law⁹¹ these forcibly displaced refugees, and other Palestinians forcibly evicted by Israel, have the right to return to their lands and homes.

The Million Tree Programme initiated by APN seeks to revive the local food system in Palestine by planting millions of fruit trees to compensate for the millions of trees destroyed by the Israeli occupation.⁹² The programme also installs water-collection wells and tanks to sustain its results. In addition to enhancing food and water security, employment, and environmental conservation, the program addresses a root cause of food insecurity: the seizure of Palestinian farmland. The Israeli occupation uses an Ottoman-era law to confiscate lands that are not cultivated. APN focuses its efforts on reviving lands that have been destroyed and are at risk of confiscation, and has so far planted 3 million trees on the lands of 27,000 small-scale farmers.

The Syrian Golan has been occupied by Israel since 1967, when occupation forces destroyed two cities, 163 villages and 108 farms.⁹³ Only six villages are left, with 27,000 remaining inhabitants, limiting the Syrian population to 5% of the Golan.⁹⁴ Those expelled in 1967 now live as some 500,000 IDPs inside Syria.⁹⁵ Many of the remaining Indigenous Syrians rely on agriculture for their livelihood, while facing incremental land confiscation and similar water restrictions to the occupied Palestinians. After years of siphoning off water and drilling for oil in the Golan, the occupation has found a new resource to take: wind.

In 2019, the Israeli National Infrastructure Committee approved the first phase of the energy company Energix's wind farm plans. The twenty-five 200-meter turbines will be placed around Syrian orchards and will dominate nearly a quarter of the agricultural land that remains under Syrian control.⁹⁶ Residents fear the project will prevent residential expansion, injure wildlife, and cause infrasound that negatively impacts their health. Local access to land has already been cut off,⁹⁷ and farmers express concern that they will not be able to tend to their orchards in the shadow of these windmills. Farmland will also be destroyed in the process of implementing the project.

In appeals to the EU, Al-Marsad Arab Human Rights Centre in the Golan writes of harassment campaigns that target landowners opposing the contracts with repeated visits, phone calls, and lawsuits. Al-Marsad itself was the subject of a defamation lawsuit for speaking out about the campaign and allegedly encouraging the boycott of Israel by hosting community forums on the project. Many landowners who signed contracts with Energix report being manipulated by the company.⁹⁸ The leases register the land to the Israeli authorities while allowing Energix to transfer land rights to another company or person at its discretion. In this way, the project holds both long- and mid-term ramifications for Syrian food sovereignty.

The half-a-century old Israeli occupation of the Lebanese Sheba Farms prevents peoples' access to their land and natural resources. In addition to the ongoing occupation, Israel carpet-bombed the southern agricultural regions of Lebanon with more than 1.2 million submunitions during the 2006 war. Effects of that destruction still remain:

an estimated 500,000 ordinances lie unexploded, rendering large areas of arable land inaccessible to local communities.⁹⁹

The US-led occupation has had disastrous effects on the Iraqi agricultural sector. Prior to this, Iraq was under heavy sanctions and struggling to sustain itself within the framework of the UN's heavily criticised "Oil for Food Programme". With the occupation came massive market liberalisation, opening the country to food global imports which undercut Iraqi farmers. USAID and the U.S. Department of Agriculture brought in tens of thousands of tons of seeds and established "wheat extension demonstration sites" to introduce new varieties of U.S. seeds.¹⁰⁰ Three of the six types of seeds distributed were durum wheat (the grain used in pasta), indicating that the US was seeking to orient Iraqi agriculture towards exports.¹⁰¹ In addition to this economic pressure, the US-led coalition carried out a campaign of destruction, including the bulldozing of farmland and widespread violence that halted normal economic activity, causing Iraq to grow increasingly reliant on imported food. Recently, due to enhanced governmental support for agriculture, the sector has started to see some improvements. The country halted the importation of 25 types of crops that are now grown domestically in sufficient quantities.

After nearly twenty years of US occupation, 41% of children under five in Afghanistan are stunted and 36% of Afghans face high levels of acute food insecurity (with the number expected to rise to 42% in winter 2021).¹⁰² Human rights violations and lack of state sovereignty have deepened instabilities that began with the 1978 Soviet invasion and externally backed insurgency, hindering the development of strong agricultural policies. Years of artillery shells, mortars, and cluster munitions leech into the soil, reducing its fertility, while fear of landmines leads to the neglect of farmland. To avoid landmines, the U.S. occupation forces drive convoys through productive Afghan farmland, leading to damage and destruction.¹⁰³ Violence also often befalls farmers: one notable example is the killing of 30 pine nut farmers by US occupation drone operators in 2019.¹⁰⁴

Concurrently with the occupation, the US launched a multibillion-dollar aid and reconstruction campaign. The failure of these programs in averting

widespread hunger demonstrates the effect of embedding aid within military programmes. The intentional pairing of "bread and bombs" has brought suspicion that extends to aid recipients. US-funded development projects also create new targets for factions fighting US forces. Meanwhile, external humanitarian efforts are met with suspicion, particularly during information gathering, in the climate of fear stoked by years of drone strikes.¹⁰⁵

Aid is also used to advance US interests. USAID partners began importing foreign seeds to Afghanistan. Among others, Nutrition and Education International imported two tons of genetically modified soya seed in Afghanistan in 2005.¹⁰⁶ This marked the beginning of a push to create a market for soy backed by the American Soybean Association's World Initiative for Soy in Human Health. Between 2010 and 2014, USAID spent \$34 million trying to introduce soy to the Afghan diet, with little success.¹⁰⁷

Land confiscations in Tibet, under Chinese occupation, became emblematic in the 2019 court case of land rights defenders harshly sentenced for trying to reclaim their community land.¹⁰⁸ Population transfer of Han Chinese settlers into Tibet's capital, Lhasa, has left the city's population only 2% Indigenous Tibetan. Large numbers of food producers, mainly pastoralists, have been evicted and dispossessed under the pretext of development.¹⁰⁹ An estimated half-million Tibetan pastoralists have been recently dispossessed, forcibly evicted and sent to "re-education camps".¹¹⁰

Actors carrying out peacekeeping, peacebuilding, and state-building initiatives, should address food security and nutrition objectives in their strategy development and actions.

Colombia presents a rare inclusion of food security objectives in the development of peace accords. In 2016, the Colombian government and the FARC-EP guerrillas signed an agreement to end over 50 years of fighting. The fighting was fuelled by many factors over the years but had deep roots in the government's role in supporting an exploitative US agricultural industry and the land disenfranchisement of poor farmers. Therefore, the agreement's inclusion of pro-agrarian policies was critical to a post-conflict transition. The agreement included provisions for rural development plans targeting areas most af-

ected by the armed conflict that include measures to guarantee the human right to food and stated that agrarian development policy "must be oriented towards progressively ensuring that all people have access to healthy and adequate food and that food is produced under sustainable systems".

FIAN Colombia argues that peace will only be sustained if the government upholds these aspects of the agreement. FIAN Colombia calls for various further steps, some of which overlap with FFA principles, including recommendations to:

- "Allow the participation of communities in the construction, execution, monitoring and evaluation of plans, programmes and projects [...]"
- Protect their own peasant and ethnic economies, native seeds and national food production [...]"
- Support constitutional reform initiatives that seek to establish [the Right to Adequate Food and Nutrition] as an autonomous fundamental human right [...]"
- [A]dopt regulatory measures against the advertising of ultra-processed edible products [...]"
- Ensure that agricultural growth is based on food sovereignty and not on dependence and increased foreign investment [...]"
- Prevent large tracts of land [...] from continuing to be monopolised by national or foreign private capital".¹¹¹

APPLICABLE INTERNATIONAL NORMS

UNGA, 2030 Agenda, Preamble, ¶23; SDG16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

The Geneva Declaration on Armed Violence and Development (2006), ¶9

Principle 10: Manage natural resources sustainably and reduce disaster risks

Principle 10 promotes the mitigation of the impacts of natural and man-made disasters and the sustainable use and restoration of natural resources. Traditional and Indigenous strategies should be used to prevent, manage, and adapt to shocks and stressors in local food systems. Resource management should be non-discriminatory and include use by local populations and those most affected. Tenure rights of individuals,

small-scale food producers, Indigenous Peoples, and affected and at-risk populations should be respected.

A CSO in Burkina Faso reports that the agricultural sector imports large amounts of chemical fertilisers and pesticides, despite the potential for scaled-up local production of natural bio-inputs that would better guard against crises, including climate change.

In Sri Lanka, the Vikalpani Women's Federation reported that 50 of its members practice agroecology in Monaragala, making their own organic fertilisers and inputs. The pandemic did not diminish their production and has actually increased demand. They have also started a local farmers' market attracting many people who cannot access big markets.

In Jordan, where pressures on natural resources are rising dramatically due to the refugee crisis, FAO has created several innovative resource-saving projects for refugee camps and host communities, including compost and biogas generation from waste and solar-powered water harvesting and lifting.

Cyclical droughts in the Timbuktu region have caused lakes to dry up and the vegetation to degrade. Along with recurrent armed uprisings, these climate factors have disrupted production and food systems and driven massive population displacements, household food insecurity, and poverty. Thousands of French troops are deployed in Mali, and some Malians protest for their departure and allege that their presence is for the advancement and protection of French commercial interests.¹¹² Many European governments (particularly France) and the US have spent exorbitantly on security and military programs, while leaving humanitarian or development programmes underfunded.¹¹³ There also remains a need for long-term peacebuilding and reconciliation initiatives.

Despite these great environmental and political difficulties, ADJMOR in Mali reports several good agricultural practices. A government-led reforestation campaign in participation with CSOs and other partners was launched along with awareness-raising on the need to protect Mali's environment. Indigenous and traditional knowledge related to

food production and environmental conservation is also promoted.

In Brazil, land seizures have been occurring on the traditional territories of the Guarani-Kaiowá. The Guarani and Kaiowá people in the state of Mato Grosso do Sul have been the victims of historic and systemic human rights violations. Their traditional territories have been subject to government-promoted colonisation by farmers since the 19th century.¹¹⁴ Bearing a history of forceful removal from their land, the Guarani and Kaiowá have long pushed the Brazilian government to demarcate their traditional land. More than 40% suffer from malnutrition, and there have been dozens of reported cases of mass poisonings from the aggressive use of agricultural chemicals.¹¹⁵ A survey carried out by FIAN International and FIAN Brazil, with the support of CIMI and Aty Guasu (the Political Assembly of Guarani and Kaiowá) found grave violations of the right to food and nutrition and high levels of food and nutrition insecurity, further aggravated by the suspension of land demarcation.¹¹⁶ Despite having traditionally produced their own food, more than 40% of the Guarani-Kaiowá people now suffer from malnutrition, and over 90% depend on food aid. Government-distributed food baskets arrive irregularly and do not cover daily nutritional needs. The inadequacy of food aid and disregard for the traditional food and eating habits of the Guarani-Kaiowá also violates Principle 1 of the FFA.

As reported by KATARUNGAN, events following 2013's super typhoon Yolanda in the Philippines illustrate how private sector actors exploit natural disasters to extract resources from local populations. The typhoon affected millions of people and killed over 6,000. On the Island of Sicogon, 95% of houses and fishing boats were destroyed.¹¹⁷ Prior to the disaster, residents were advancing towards recognition of their land rights as potential beneficiaries under the Comprehensive Agrarian Reform Programme.¹¹⁸ After the disaster, a private corporation, Sicogon Development Corporation (SIDEKO), which owns 70% of the island's land, entered a joint venture with a large real estate corporation, Ayala Land, to lead the island's reconstruction. Despite the widespread devastation, many local and international humanitarian organisations were not allowed to enter the island to pursue their emergency relief mandate (in violation of FFA Principle 3). Backed by the intimidating presence and harass-

ment of its armed security guards, Ayala Land and SIDEKO took advantage of the weakened capacity of residents and aggressively pursued its tourism project in the area, with the acquiescence of the government. Rather than provide political protection or humanitarian assistance, the government convened meetings in support of an Ayala-SIDEKO relief compromise.

The "Compromise Framework Agreement" (CFA) stated that Ayala and SIDEKO would donate and develop 30 hectares of land into a residential area and 40 hectares into conventional farming plots, as well as distribute 38 million pesos to the residents and 76 million pesos to a land development fund.¹¹⁹ In exchange, the residents would surrender their land rights. One year later, as Sicogon continued to endure widescale destruction with little assistance, a leader representing the Federation of Sicogon Island Farmers and Fisherfolks Association signed the CFA. The conversion of the island for tourism is ongoing,¹²⁰ but Ayala-SIDEKO has failed to live up to its commitments under the CFA. Corporate-led reconstruction – or disaster capitalism – often worsens the plight of those suffering. Many residents do not have safe homes and the future of land-based livelihoods and agrarian reforms necessary for equitable resource management remains uncertain.

The Consultative Centre for Studies and Documentation in Lebanon writes that public policies that lacked comprehensive environmental impact assessments have encouraged the settlement of refugees in important agricultural areas in West Beqaa, while support and direct assistance for informal settlements have encouraged displaced people to settle close to Nahr al-Kabir River. Failing to implement sufficient sanitation interventions, this resettlement policy has worsened the water quality of the river, which is used for drinking and irrigation.

In Sri Lanka, NAFSO reports that the agricultural sector in the northern part of the country has weakened substantially as a result of land loss following the 26-year civil war (ending in 2009). Millions of people have been exiled to various foreign countries, while thousands of people are internally displaced. Their land is occupied by the military or declared high-security zones, even today. Most of those who are displaced were previously farmers or fisher people who have been left with no income for their survival.

APPLICABLE INTERNATIONAL NORMS

GC IV, §49

AP I, §54.1

AP II, §§13.1, 13.2, 14

ICJ, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion* (ICJ Reports 2004), ¶¶146, 151, 153
UNGA/ILC, *Articles on. Responsibility of States for Internationally Wrongful Acts*, §31.1–2, 34, 36, 37

CESCR, GC7: forced eviction, ¶ 3.1

UNGA, *The Future We Want*, A/RES/66/288, Rio+20 outcome document (2012), (¶ 187)

UNGA, 2030 Agenda, SDG3, ③③3.D, 13.1

UNGA, *Sendai Framework for Disaster Risk Reduction 2015–2030* (A/RES/69/283)

[See ¶¶25(g) and 48(c) under Principle 6 above.]

UNGA, UNDRoP, ¶¶2, 3, 17

UNGA, R&R, [*recognizes that victims of gross violations are entitled to reparations, inclusive of: restitution, return, resettlements, rehabilitation, compensation, guarantees of non-repetition and satisfaction*], Sections VII–IX;

UNGA, 2030 Agenda (A/RES/70/1), ¶33, SDG 12②2

UNGA, UNDRoP, ¶¶ 20(2), 16(5), 17, 18(3)

United Nations Commission on Human Rights (UNCHR), forced eviction (1993/77), ¶1

UNCHR, Prohibition of forced eviction (2004/28), ¶1

United Nations Environment Assembly of the United Nations Environment Programme, *Protection of the environment in areas affected by armed conflict* (UNEP/EA.2/Res.15), ¶¶3, 4, 9

CFS, VGGT, Principles 10: Informal tenure, ¶¶2–4; 24: Natural disasters, ¶5; 14. Restitution, ¶2

CFS, *Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication* (SSF Guidelines), Guidelines 5.9,5.12

Principle 11:

Promote effective national and local governance

Principle 11 sets out ways to develop national and local institutional and organisational capacities. It stresses the need to support and complement these capacities in a manner that does not create or prolong dependence on international assistance. Informal and traditional institutions

should be supported and rebuilt. National governance of food and nutrition security should be strengthened.

ADJMOR in Mali reports the passage of a series of legislative acts that align with Principle 11, including the “Mali Pastoral Charter,” which empowers local authorities to resolve land disputes, and the Agricultural Orientation Law, which allocates 10% of the national budget to the agricultural sector. Mali has also strengthened producers’ organisations through, for example, the Permanent Assembly of the Chambers of Agriculture of Mali, which brings together actors involved in agriculture, breeding, fishing, and forestry. These interventions place political power in producers’ and communities’ hands.

ANFS members in Lebanon report that a Ponzi scheme created by the Central Bank, local banks, and the Lebanese government was a key reason for the economic collapse Lebanon faced in 2020 amid the pandemic, sanctions, widespread corruption, political unrest, and explosion of the Beirut port. As government revenues were insufficient to sustain the Lebanese Lira-Dollar peg, a “financial engineering” scheme was created by the Central Bank to exchange local-currency debt with dollar-denominated bonds, which the Central Bank sold to commercial banks with high rates of return.¹²¹ The government did not pass a budget between 2005 and 2017, while the scheme allowed for the accumulation of debts, tying depositors and many institutions in a web of mutual liabilities. In March 2020, the state defaulted and private banks harshly curtailed depositors’ withdrawals. Weak institutions and an absence of restrictions on the liberalised financial sector caused a staggering crash of the economy, with the heaviest costs incurred by ordinary citizens, including a widespread inability of many to access adequate food.

APPLICABLE INTERNATIONAL NORMS

United Nations Convention against Corruption (A/RES/58/4)

Inter-American Convention Against Corruption (B-58)

African Charter on Values and Principles of Public Service and Administration, §§1.2, 10.3, 12.2–4

Council of Europe, Criminal Law Convention against Corruption (ETS No. 173), (§§3–14)

Council of Europe, Civil Law Convention against

Corruption, (§§3–14)

Council of Europe, Criminal Law Convention against Corruption Additional Protocol

UNGA, International Code of Conduct for Public Officials (A/RES/51/59), ¶¶7, 10§§II–VI

UNGA, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34), §A.1

UNGA, A/RES/60/147, preamble

UNGA, 2030 Agenda (A/RES/70/1), SDG 16

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UNGA, New Urban Agenda (A/RES/71/256), ¶¶47, 104, 138, 151

CFS, RtFG, Guideline 13.3

CFS, VGGT, Guidelines 3A.5, 5.8, 6.9, 9.12, 11.7, 16.6, 17.5, 18.5, 19.3, 21.5, 20.4.

in these situations. CSM stressed that famines do not appear suddenly, but take months or years to form – an indication that the international community had failed to prevent such crises or respond to early warning systems as called for by the FFA.

CFS Letter on the Situation of Yemen

In 2019, CSM encouraged the CFS to take a firm stance and respond to the unprecedented crisis in Yemen. The CFS drafted a public letter¹²² encouraging all actors, including states, to implement the FFA.

CSO actors believe that CFS can do much more to help disseminate and advocate use of the FFA. Please see suggestions for CFS as a coordination platform, as well as CFS members and participants, in the *Recommendations* section.

DISSEMINATION AND ADVOCACY

Dissemination by CFS

The Civil Society and Indigenous Peoples' Mechanism (CSM) was involved in three undertakings organised by CFS (in 2016, 2017, and 2019) to raise awareness on the CFS-FFA:

CFS-FFA Africa Regional Outreach Workshop/Kenya

In 2016, CFS organized a regional outreach workshop to raise awareness on the FFA in Kenya. The workshop was attended by governments in the region, UN organisations, civil society organisations, private sector representatives, and donors. During the workshop, the FFA was explained as an operational instrument, and participants discussed challenges and practical examples of how the FFA can be introduced into national policymaking. The CSM PCWG found this event essential in spreading awareness of the FFA at the national and regional spheres, in other words, *bringing home the results from Rome*. CSM advocated similar meetings in other regions, but their calls were not heard.

The High-Level Political Forum/ New York

In 2017, as four countries, Somalia, Yemen, South Sudan, and Nigeria, were approaching famine, CFS organised a side session focused on food insecurity in times of crises and conflict at the High-Level Political Forum at the UN Headquarters in New York. CFS speakers, including CSM WGPC representatives, urged the implementation of the FFA

Dissemination by CSOs

Civil society actors observe very limited exposure to the FFA from the government, development, humanitarian, and donor groups they have encountered. More frequently, civil society actors are exposed to the FFA by fellow civil society actors, as national and regional civil society organisations and networks have been highly active in sharing the FFA with other civil society actors in their regions through workshops, meetings, and events. A limited number of international NGOs and networks also worked to share the FFA with partner and member organisations at national and local levels. They conducted some of these meetings with members of most-affected communities, including refugees and IDPs.

The advocacy work done on behalf of the FFA by civil society groups living in contexts of protracted crises is a testament to its importance in such areas. To combat widespread unfamiliarity with the FFA, these groups have organised events targeting a broad audience extending beyond fellow CSOs. They have reached governmental and intergovernmental organisations as well as multi-actor policy platforms. The following are some examples of CSO activities:

I. ***International Forums***

The Committee on World Food Security

After the FFA endorsement in October 2015 the CSM PCWG, APN-ANFS, HIC-HLRN,

and PCFS organized the side event *FFA: the Way Forward* at the CFS 42 Session to discuss how the framework could be effectively implemented. Panellists at the event included FAO Director of Strategic Programme on Food Security and Nutrition and Director of Emergency and Rehabilitation Division, USAID Mission Director, Development Adviser at the Delegation of the EU, Chief Economist at WFP, Policy and Research Adviser at IFAD, and the Alternate Permanent Representatives of Argentina and the Arab Republic of Egypt. Moderated by APN-ANFS.¹²³

In April 2017 CSM and the Permanent Representation of the Federal Republic of Germany organised an event in Rome "Bringing home the results from Rome: Strengthening the use and Application of CFS Policy Outcomes". Speakers advocated the use of the FFA along with other CFS products and policy recommendations. The panel welcomed representatives from governments, RBAs, CSM and PSM.¹²⁴

The High-Level Political Forum on Sustainable Development (HLPF) and the Sustainable Development Goals

In 2016, soon after the FFA endorsement, APN and ANFS organized a side event, entitled "Addressing Food Security and Nutrition in Protracted Crises" at the ECOSOC HLPF in the UN headquarters in New York to raise awareness of the FFA and advocate for its use. The session welcomed speakers from the CFS Secretariat, the United Nations Environment Programme (UNEP), the United Nations Economic and Social Commission for Western Asia (ESCWA), Al Mezan Center for Human Rights, Al-Haq, as well as from APN.¹²⁵

Also within the framework of the HLPF, HIC-HLRN has used the FFA in policy analysis and formal review of SDG performance of states involved in protracted crises domestically or extraterritorially. Since 2018, of the eighteen Voluntary National Reviews that HIC-HLRN assessed for the HLPF, nine were in some stage of protracted crisis: Egypt, Iraq, Israel, Lebanon, Libya, Palestine, Sudan, Syria, and Western Sahara. These assessments formed the basis of NGO Major Group statements read by civil society actors during the HLPF in New York.

HIC-HLRN also raised the FFA principles during the GLTN Global Land Indicators Initiative, the results of which informed the SDGs. HIC-HLRN and HIC Members continue to refine the performance and policy analysis methods using the FFA for future periodic reviews of SDG progress, especially SDG 2 and using the land-related SDG indicators.

Human Rights Advocacy

HIC-HLRN advocated use of the FFA in periodic country reviews of the Committee on Economic, Social and Cultural Rights, in 2019 (CESCR),¹²⁶ and to the Committee on the Elimination of Racial Discrimination (CERD).¹²⁷ HIC-HLRN also referenced the FFA in an urgent appeal to the UN Special Rapporteur seeking an emergency Human Rights Council intervention to uphold the human right to water and sanitation in Gaza, Palestine (2020).¹²⁸

APN-ANFS, and PCFS advocated the implementation of the FFA during a multi-actor consultation organised by the Special Rapporteur on the Right to Food in November 2020 to help inform the rapporteur's first thematic report to the Human Rights Council, which details his 2020-2023 priorities and areas of work.

The Civil Society Partnership for Development Effectiveness (CPDE)

In November 2019, The CPDE Working Group on Conflict and Fragility, in partnership with APN-ANFS, the International Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL), and PCFS organised the conference "Unpacking the 'Triple Nexus': Effective Development Cooperation in Contexts of Conflict and Fragility," in Amman, Jordan. The event examined the relationship between humanitarian aid, structural development, and peace, and aimed to develop CPDE's positions based on the experiences of its constituencies around the world and across various sectors. To unpack the meaning of the triple nexus, the CPDE explained the principles of the FFA and their use in crisis contexts.¹²⁹

Local Government Forums

HIC-HLRN also has advocated using the FFA in an intervention before the 4th Annual Gathering and Mayors' Summit of the Milan Urban Food Policy Pact (2018). The HIC-HLRN and the Global Platform on the Right to the City project also has promoted

the FFA as a policy framework of its deliberations with local governments in forums such as the United Cities and Local Governments (UCLG) and the World Forum of Human Rights Cities (2016).

II. **Regional Forums**

a. **Multi-actor Regional Conferences and Forums**

Multistakeholder Conference on the FFA in the Arab Region

ANFS, APN, ESCWA organised a regional conference under the auspices of the Lebanese Minister of Agriculture. The main purpose of the conference was to explain the contents of the FFA and discuss opportunities, challenges, and recommendations for its implementation in the Arab region.

The conference was attended by government representatives from seven crisis-inflicted countries (Lebanon, Palestine, Sudan, Yemen, Iraq, Mauritania, and Syria) as well as from the League of Arab States. CSO representatives attended from Sudan, Yemen, Iraq, Mauritania, Morocco, Qatar, Tunisia, Lebanon, Jordan, and Palestine. Representatives from WFP and FAO regional and national offices were also present, as well as representatives from humanitarian and development organisations and the private sector.¹³⁰

The Arab League Sub-committee on Combating Hunger in the Arab Region

In 2019 and 2020, ANFS and APN gave two presentations on the FFA to the Arab League Sub-committee on Combating Hunger in the Arab Region, as co-chairs of the Working Group on Combating Hunger in Conflict-inflicted Countries. They managed to incorporate the use and implementation of the FFA into the Sub-Committee's Strategy document on combatting hunger in the Arab World.¹³¹

Workshop on FFA for the Sahel Region

In March 2020, FIAN Burkina Faso with the support of the Focus Sahel Network, a framework for German CSOs working in the Sahel to promote joint lobbying and advocacy activities, organised a workshop on the FFA. The workshop was attended by CSOs, partners of member organisations of the Focus Sahel Network, state representatives and FAO. It aimed to mobilise state authorities to inte-

grate FFA principles into their intervention strategies.¹³² Participants strongly recommended that the FFA be made more widely available and that it guide those involved in humanitarian and human rights actions.

UN-ESCWA Meeting on Food and Water Security

In 2019, APN gave a presentation on the FFA, during the UN-ESCWA Meeting on Food and Water Security in the Arab Region in Amman to an audience that included representatives of Arab governments, and delegates from specialised regional and international organisations such as the FAO, WFP, and the Arab Organization for Agricultural Development.¹³³

UN Decade of Family Farming (UNDF)

In FAO's Near East/North Africa regional launch of the UNDF in November 2020, HIC-HLRN and IPC advocated seizing the opportunity of the new UNDF to review and reform the current FAO strategies and policy advice on supporting small-scale family farming and investment in agricultural water to align with states' human rights obligations, small-scale family farmer needs and priorities, the SDGs and the FFA, all of which are currently absent in the corresponding FAO regional policy documents.

FAO Regional Multi-Stakeholder Workshops

FAO invited APN-ANFS to speak on the FFA at its Third and Fourth Regional Near East North Africa Multi-Stakeholder Workshop on Food Security and Nutrition held in Tunisia in 2013 and Amman in 2015 respectively.¹³⁴

b. **Regional CSO Conferences and Meetings**

The APN-ANFS dedicated sessions of its 2012 and 2013 CSO consultations with FAO to gather CSO input for the FFA negotiations. After the FFA's endorsement, ANFS used its 2016 and 2018 General Assemblies to explain its value.

In 2017, HIC-HLRN used the FFA as a principal feature of its Middle East and North Africa (MENA) Land Forum, in Tunis. HIC-HLRN taught participants how to apply the FFA and the CFS Tenure Guidelines (VGGT).¹³⁵ HIC-HLRN explored the use of the FFA as a normative tool in four CSO Con-

sultations with FAO, in Beirut (2016, 2018, and 2019) and Casablanca (2020).

III. **National Work**

a. **Multi-actor Conferences**

Multi-actor Consultation on the FFA in Gaza- Palestine

In December 2019, Gaza Urban and Peri-urban Agricultural Platform (GUPAP) organised a multi-actor national consultation in Palestine (Gaza) with 25 of its member organisations to explain the FFA and discuss its implementation.

The National Multi-actor Workshop on the FFA in Jordan

In 2018, APN and ANFS organised a workshop in partnership with FAO and ESCWA in Jordan, under the auspices of the Jordanian Ministers of Agriculture and Environment to raise awareness of the FFA. The conference was attended by 70 participants including government officials, intergovernmental organisations, private sector representatives, and local, regional, and international civil society organisations, including farmer and worker unions.¹³⁶

b. **National Assessments:**

Jordan's Assessment on Alignment to the FFA

In 2019, APN carried an assessment of FFA implementation and alignment in Jordan. It interviewed representatives from the WFP, the FAO, and the Jordanian Ministry of Agriculture on policies and actions taken to address food security and to assess their organisations' alignment to the principles of the FFA. APN identified specific needs for further FFA implementation and advocacy in Jordan.¹³⁷

c. **FFA in national platforms and spaces**

HIC-HLRN used the FFA as a pedagogical and advocacy tool in its Sanctuary in the City: Beirut project, which sought to bring together civil society, refugees and displaced persons, and municipalities to set priorities and proposals for realising the "right to the city", in the context of the region's ongoing displacement crisis.¹³⁸

BARRIERS TO USE AND IMPLEMENTATION OF THE FFA

Despite the great efforts by the Civil Society and Indigenous Peoples' Mechanism (CSM) and its constituent organisations to implement and advocate the use of the FFA, key challenges and constraints have proved to be barriers in achieving broader FFA objectives and carrying out specific tasks. These include:

Agreement on Concepts, but Not on Processes and Plans

There is an insufficient understanding of what is needed to fulfil the FFA's called-for policy coherence among humanitarian assistance, sustainable development, human rights obligations and remedying the root causes of crises. CSM struggled during the FFA negotiations to include substantial provisions for implementation and use that could have offered guidance to actors. CSM believes that multi-actor consultations could help translate FFA principles into concrete structures and processes. Such discussion is vital to distribute roles and needed functions among existing actors and devise models for collaboration.

A Lack of Coordination Structures

Each of the three key dimensions of the FFA (humanitarian assistance, development and peacebuilding) have their own group of actors, objectives, timelines, and approaches. Each group of actors is involved with a specific set of stakeholders and coordinates differently.

Following an emergency, providers of humanitarian assistance coordinate commonly through a UN-led Humanitarian Country Team (HCT). The HCT facilitates thematic clusters (Food, Water-Sanitation-Hygiene, Shelter, Protection, etc.).¹³⁹ These clusters provide space to assess urgent needs, guarantee access to affected populations, and secure funding. Coordination spaces among development actors or peacebuilding and human rights agencies are usually absent. Crucially, structures that coherently gather all these categories of expertise together to provide joint analysis, programming and implementation are seldom available. Such country-led coordination spaces are essential for the implementation of the FFA principles.

Most governments lack specialised units that coordinate food policies and interventions. Food security issues are often scattered across governmental departments. This fragmentation hinders country-owned analysis, policy, programming and implementation. In this disarray, most governments and national authorities lack processes for maintaining ongoing consultations with external donors and development partners. Few external actors take the initiative to consult national institutions such as the Ministries of Agriculture. Input from national governments is crucial to ensure alignment with national agendas and priorities and to provide necessary in-country support.

UN organisations use separate frameworks for national-level humanitarian and development operations. Many countries have a Humanitarian Response Plan (HRP) and the United Nations Development Assistance Framework (UNDAF), and some attempts have sought to merge the two approaches. In Senegal, humanitarian concerns have been incorporated into the UNDAF, and the HRP has been dismantled. This decision allowed humanitarian and development actors to build on joint planning and bridge the gap between these sectors.¹⁴⁰

Major intergovernmental organisations remain focused on converging humanitarian and development dimensions. The vital work of addressing human rights obligations, driving factors of food insecurity and crises, conflict resolution and peace-building, is often lost.

Shrinking Space for Civil Society Engagement

The Civil Society and Indigenous Peoples' Mechanism (CSM) notes the lack of opportunities for CSOs and affected communities to have meaningful exchanges with donors, external implementing actors, various spheres of government, and UN agencies on best practices, programming, and impact of food security and nutrition interventions.

International NGOs and a very small number of local organisations are engaged in Humanitarian clusters. CSOs are rarely included in development forums, including those coordinated by the UN or national governments, and are almost always excluded from peace processes.

The involvement of civil society organisations and affected communities in strategizing and implementing food security interventions is essential to guarantee people-centric, comprehensive approaches with sustainable results.

Successful Examples are Largely Unknown

Examples of best practices (successful comprehensive interventions), needed to encourage or guide actors to reform policies and methodologies, are largely unknown.

Low Level of Awareness and Advocacy

There is a widespread lack of awareness of the FFA and CFS's work more broadly. Dissemination of the FFA by CFS and its participants to relevant actors mentioned in FFA paragraph 17, including governments, donors, international NGOs, and intergovernmental institutions, has been insufficient. Among civil society, the FFA has many more constituents to reach as well. CSM partners report that many of their peer organisations are still unaware of the framework.

Furthermore, the knowledge gap between governments, donors, RBAs and other representatives in CFS and their counterparts at country and regional levels acts as a key barrier to substantial dissemination and advocacy. CSOs report difficulties in organizing joint dissemination activities with actors on the national level although CSOs have realised certain successes in this regard (see section *Dissemination and Advocacy*).

One reason for this lack of awareness is FFA's limited availability in local languages and limited resources allocated to carry out these translations.¹⁴¹

Funding

The dissemination and implementation of the FFA are constrained by limited resources, including funding, personnel, and specialised/technical knowledge. Funding for comprehensive programmes that cover the three dimensions of the FFA principles – humanitarian assistance, long-term development, and root causes remediation – is uncommon.

The Missing Side of the Triangle

Upon taking office in December 2016, UN Secretary-General António Guterres said "Humanitarian response, sustainable development and sustaining peace are three sides of the same triangle". That last side, sustained peace, remains largely missing from policy and action. Actors continue to work *in* crises without working *on* crises.

Several factors can shed light on why actors seeking to improve food security in protracted crises deviate from the principles of the FFA, which urge for peacebuilding initiatives and the confrontation of protracted crises' root causes:

Mandate vs. Comprehensive Approaches

A main barrier to achieving comprehensive responses to food security in protracted crises are the limited mandates of different actors.

Humanitarian agencies frequently fear that working to address root causes will reinforce the existing tendency to politicise humanitarian assistance. They fear this could materialise into parties in a conflict impeding their access to areas and people afflicted by crisis. Civil society organisations stress that addressing root causes and resolving conflict will not lead to the politicisation of aid if humanitarian principles are strictly implemented¹⁴² and country ownership is respected.

At the minimum, it is essential that both humanitarian and development organisations carry out conflict analysis to stay conflict-sensitive and not exacerbate tensions.

These organisations are also uniquely positioned to weigh in on the determinants of food security during the development of peacebuilding treaties. This input is vital to the sustainability and success of such treaties.

Another challenge is that the specialised expertise and capacities of many organisations do not necessarily reflect all components of the FFA. To address all these issues, multi-stakeholder consultations are essential to interpret and unpack the operationalisation of the FFA.

Multi-actor conversations on FFA implementation must ask: *Are actors expected simply to be in align-*

ment with FFA principles; to upscale their mandates and capacities to cover new dimensions; or to jointly ensure complementarity and comprehensive responses?

Depending on the context, the formation of multi-mandated organisations and multi-actor programmes is needed to ensure comprehensive responses.

The use and integration of the normative framework of the UN treaty system by actors with different mandates including specialised UN agencies can help ensure policy coherence and comprehensive responses.

Human Rights and Peacebuilding Actors

Regardless of how much actors reform and expand their operations, there will remain a deep need for specialised actors and focused interventions in human rights advocacy, protection, conflict-resolution and peacebuilding. These actors must address immediate needs, including mediation and protection, and longer-term needs such as enhanced accountability, reconciliation, and addressing underlying structural factors. Such actors cannot exit countries immediately when emergencies are over. Therefore, it is important to empower local and national institutions, including formal and traditional structures, to fill this gap and ensure key values of the FFA including participation, country ownership, and sustainability.

Global platforms including CFS, the UN General Assembly and HRC, as well as national and local platforms should better integrate local, regional, and international actors with these capabilities into their structures. These global platforms should also enhance coordination and collaboration among one another. This should aid humanitarian and development organisations in smoothly handing over responsibilities that fall outside their mandates.

Peacebuilding vs. Stability in the Status quo

Many policy frameworks have recognised the necessity of interlinking immediate relief, long-term development, and peacebuilding. The World Humanitarian Summit identified these interconnections as the humanitarian-development-peacebuilding nexus (HDPN), triple nexus, or the New

Ways of Working. Despite this new attention, most actors have failed to define "peace." For CSM, peace is not only the short-term absence of tension or violence. Peacebuilding should be designed with the aim to uphold the rights of crisis-affected people and ensure justice. This will ensure its durability and ability to result in genuine reconciliation, social cohesion and development.

Policy frameworks that do not define peace risk supporting peace interventions that are dominated by existing imbalanced power relations and that maintain the subjugation of marginalised peoples. Moreover, loosely defined "peace" has been used to encourage militarised interventions and the dangerous practice of pairing aid and security.

The FFA includes several components that address conflict resolution and peacebuilding, but further discussion is required to develop detailed responses to various forms of crises.

Deficit of Political Will

Since its endorsement, commitment to the FFA, including its principles and overarching values, has been inconsistent. Several factors contribute to this:

- Some actors benefit from maintaining the status quo to fulfil commercial gains (e.g., military contracts, resource access, and other financial assets) or to gain political concessions and shape the geopolitical order. Without deterrence, these actors contribute to the economic, environmental, and/or political drivers of protracted crises, regardless of the consequences to civilian populations.
- Humanitarian aid is often politicised, and often, countries that provoke or sustain a protracted crisis are also those providing short-term emergency aid to its victims.
- Most aid is not directed at support for local food systems, in some cases because donor countries wish to retain access to those foreign local markets for their produce or to promote the production of agricultural crops for export to their countries. Too frequently, aid is seen as irreproachable, and countries in crisis have a difficult time negotiating for better forms of assistance.

- Many drivers of crises have been normalised and enshrined in the foreign diplomatic, military, and trade policies of a number of powerful countries. Meanwhile, foreign intervention and the effects of colonisation are maintained through assistance to warring states, creating webs of sustainable crises, including proxy conflicts.
- A policy of perpetual warfare pursued by certain states seems to inform the logic of anti-terrorism that keeps troops, drones, other forces deployed across various parts of the world, either triggering or waiting for an incident of political violence to materialise. Consequent sanctions or militarised reactions are portrayed as beneficial to civilians, when, in fact, they further erode peace, security, human rights, and development and deny the rights of communities to sovereignty over their own natural resources and means of subsistence.
- The financial and political benefits of enabling destructive industries and patterns of production and consumption impede climate-change actions or render them largely piecemeal and woefully insufficient to avoid, mitigate or remedy protracted environmental crises.
- Economic and social structures and programmes that would provide protection in times of crisis continue to be hollowed out and dismantled, as financial institutions increasingly demand the acquiescence of highly indebted or fragile states.
- Policy actors operate under the belief that financial arrangements, commercial contracts and free-trade regulations under private international law take precedence over peremptory norms and human rights obligations under public international law. This incorrect understanding of the hierarchy of laws threatens food security, local sovereignty and peace by favouring privatisation, and the inequalities it generates.

The political economy in which actors operate must be well understood in order to generate the political will needed to operationalise the FFA.

Absent Accountability Mechanisms

No monitoring mechanisms yet exist in the national or local spheres to track actors' responses *in* and *on* protracted crises. Urgent needs may obscure the necessity to keep careful account of intervention outcomes, and crises pose barriers to accessibility and data collection. There are rarely grievance mechanisms accessible to affected communities to provide oversight or remedy shortcomings. The most challenging barrier to effective FFA implementation is the absence of accountability mechanisms to monitor extraterritorial obligations of states.¹⁴³ States, multilateral agencies and international organisations should be given guidance on how to establish comprehensive monitoring mechanisms in concert with local communities (see section on *Monitoring tool*).

THE NORMATIVE FRAMEWORK SUPPORTING THE FFA

The FFA is reinforced by its alignment to other global policy priorities and bodies of law, while filling any gaps or ambiguities in those norms by providing operational guidance for interventions to combat food insecurity and malnutrition in the context of any protracted crisis. This section illustrates that the FFA does not impose or create new obligations on states and other actors but reaffirms those already existing (as illustrated by the norms boxes in the "Implementation and Alignment" section and in the [Inventory of Norms Supporting the FFA](#) found in the "Resources" section). This framework seeks to assist in the implementation, monitoring, evaluation and review of the FFA as a policy framework grounded in international law. It is also useful towards the development of needed tools to help raise the capacity of practitioners.

Respect for prior normative commitments and obligations is needed to prevent many crises. Failure to do so often causes crises.

Many FFA principles are supported by **binding legal norms** that states have an obligation to adhere to. These norms are found in treaties or conventions that become legally binding once ratified by the state. Signing a treaty or convention does not make it binding but indicates support for the principles included and the country's intention to ratify it. Monitoring bodies are often set up to assess a

state's progress in implementing a convention after ratification, typically by means of periodic reports submitted by states.

States which neither sign nor ratify a treaty or convention can still have binding obligations under **customary international law and/or peremptory norms**. When certain rules or practices are consistently respected by a large number of states in their international and internal relations, with legal or obligatory intentions, the international community accepts these practices as applicable rules of customary international law.

Similar to the concept of customary law, *jus cogens* or **peremptory norms**¹⁴⁴ are fundamental principles of international law that are considered universal by the international community. They are considered binding regardless of whether a state has signed or ratified a treaty or convention and states cannot derogate from them. The most commonly cited peremptory norms include prohibitions against war crimes, crimes against humanity, piracy, genocide, apartheid, slavery and torture. Other peremptory norms (or norms approaching *jus cogens* status) that are relevant to the FFA include equality and non-discrimination, the right to self-determination, sovereignty over natural resources, rule of law and realisation of justice, prohibition against population transfer, and human dignity.

Peremptory norms of international law require all states not to recognise or render assistance to the denial of self-determination, but to bring an end to such an illegal situation.¹⁴⁵ Furthermore, international organisations, including UN agencies, also bear the obligation to align their programmes with and report on their support for the self-determination of peoples in non-self-governing territories.¹⁴⁶

Various bodies of binding law are relevant to the FFA, in particular Human Rights Law and International Humanitarian Law.

Human Rights Law is enshrined in treaties, elaborated in general principles of international law, customary law and *jus cogens*. The 'International Bill of Human Rights', consisting of the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and

Political Rights (ICCPR) and its two Optional Protocols, is the basis for numerous conventions and national constitutions.

Human rights are universal, meaning that they apply to everyone and arise from common human need, and indivisible, meaning that the fulfilment or deprivation of one human right often affects the fulfilment or deprivation of other human rights. By becoming parties to international human rights treaties, states assume obligations and duties under international law to respect, to protect and to fulfil human rights. As part of the process for ratification of such treaties, governments undertake to put in place domestic policies and legislation compatible with their treaty obligations and duties. The domestic legal system, therefore, provides the principal legal protection of human rights that are guaranteed under international law.

Certain human rights – particularly economic, social and cultural rights, as detailed in the ICESCR – require states “to take steps” to the maximum of their available resources to achieve the progressive realisation of these rights.¹⁴⁷ This means that, in cases where states cannot fulfil all rights immediately, they must take appropriate steps toward the full realisation of economic, social and cultural rights.¹⁴⁸ On the preventive side, both Covenants enshrine the prohibition: “In no case may a people be deprived of its own means of subsistence.” The following are important legally binding human rights standards relevant to the FFA.

The *Universal Declaration of Human Rights* (UDHR) is one of the most-cited human rights instruments in the world. It is, in itself, not a treaty, but is considered legally binding as customary law, and its principles are enshrined in and the inspiration for constitutions and domestic legislation of many states.

The *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966) builds on the economic, social and cultural rights in the UDHR in considerable detail and specifies the steps required for their full realisation. Some of the guaranteed rights include the human right to adequate food, to adequate housing, right to work, and the right to the highest attainable standard of physical and mental health.

The *International Covenant on Civil and Po-*

litical Rights (ICCPR) (1966) elaborates the civil and political rights set out in the UDHR. Some of these rights include right to life, freedoms of speech, religion, association and voting.

The *1951 Refugee Convention and its 1967 Protocol* define the status of ‘refugee’, outline the specific rights of refugees, and establish the legal obligations of states to protect and assist them.

International Disaster Response Laws (IDRL) and related rules and principles form a new international regulatory framework that helps states manage international aid. It is still quite dispersed and under-utilised.

The *Convention on the Elimination of all Forms of Discrimination against Women* (CEDaW) (1979) guarantees the human rights of women. CEDaW legally obliges state parties to eliminate all forms of discrimination against women and to ensure women’s full development and advancement, in order that they can exercise and enjoy their human rights and fundamental freedoms in the same way as men.

Convention on the Rights of the Child (UNCRC) (1989) guarantees the specific human rights applicable in the context of childhood and establishes the implementation priority of “the child’s best interest”. UNCRC also establishes the obligation of states to “combat disease and malnutrition, including within the framework of primary health care, through, *inter alia*, the application of readily available technology and the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution”. The world’s most-ratified treaty, UNCRC has all UN Member States as parties, except for the United States of America (US).

A legally binding instrument on business and human rights, to regulate, in international human rights law, the activities of transnational corporations and other business enterprises is currently being negotiated.

Independent bodies of experts authorised to review state performance and interpret treaty obli-

gations, called Treaty Bodies, monitor compliance and implementation of some of these instruments. A Treaty Body publishes its interpretation of the provisions of its respective human rights treaty in the form of "general comments" or "general recommendations". These are authoritative and often very comprehensive interpretations and are used to clarify states' implementation and reporting obligations. Despite not being strictly binding, general comments and general recommendations are highly influential in the interpretation of treaty texts.

Extraterritorial Obligations (ETOs)

In addition to a state's obligation to respect, protect, and fulfil the human rights of their own citizens, states also have extraterritorial obligations (ETOs) that govern their conduct outside of their own territory. These obligations apply both to the conduct of the state, and to the conduct of any entity under the state's control, such as a company registered domestically that also operates in other countries. Norms guiding the extraterritorial obligations of states provide both a preventive and remedial¹⁴⁹ function to respect, protect and, as appropriate, fulfil the human right to adequate food and nutrition.

Most ongoing protracted crises involve cross-border operations – whether in the context of the global financial system, development aid, trade, sanctions, internationalised armed conflict, foreign and military occupation, or foreign debt – that impact the right to adequate food, and certain states bear particular obligations and responsibilities in these cases. In protracted crises arising from the breach of peremptory norms¹⁵⁰ all states bear extraterritorial obligations to bring an end to an illegal situation. This applies in cases of prolonged occupation and its consequent exploitation of natural resources, pillage, wanton destruction of property, demographic manipulation and institutionalised material discrimination. All stakeholders, in particular international organisations and UN Charter-based specialised agencies, share these duties,¹⁵¹ although national delegates, international civil servants and technical personnel are rarely trained in these professional norms.

International Humanitarian Law (IHL) is the body of law specifically applicable in contexts of armed conflict and occupation. IHL aims to protect per-

sons who are not or are no longer participating in hostilities and restricts the means and methods of warfare. Treaties such as the four Geneva Conventions of 1949 and their Additional Protocols of 1977 are the main sources of IHL rules and regulations. The first two Conventions concern the treatment of wounded and sick members of the armed forces: Convention I concerns war on land; Convention II concerns war at sea. Convention III concerns the treatment of prisoners of war and Convention IV concerns the treatment of civilians, including those under an occupation. The Geneva Conventions have been almost universally ratified and are generally accepted to reflect customary international law. Therefore, IHL rules such as maintaining a distinction between civilians and combatants, prohibiting the starvation of a civilian population as a method of warfare, and conferring specific protections to medical and humanitarian relief personnel are now considered components of customary international law.¹⁵² Customary IHL is of crucial importance in today's armed conflicts as it fills the gap left by treaty law and strengthens protections for victims.

There are several important binding IHL norms relevant to the FFA.

The Convention relative to the Protection of Civilian Persons in Time of War, 1949 (Geneva Convention IV or Fourth Geneva Convention) (GC IV) is a key convention dealing with humanitarian protection for civilians in armed conflicts and during occupation.

The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 1977 (Protocol I) (AP I) includes armed conflicts in which peoples are fighting against colonial domination, alien occupation and racist regimes in the exercise of their right of self-determination, further restricts state parties' treatment of "protected persons" under the original Conventions, and sets rules regarding the treatment of the deceased, cultural artifacts, and dangerous targets (such as dams and nuclear installations).

The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International

Armed Conflicts, 1977 (Protocol II) (AP II) applies to all armed conflicts not covered by Protocol I, including those between a state party's armed forces and dissident armed forces within its territory, and further clarifies "humane treatment" and the rights of interned persons.

The *Hague Regulations* (1899 and 1907) are a series of internationally agreed restrictions on the conduct of war and occupation, including the prohibition against pillage and of an occupying power altering the legal system in an occupied territory.

International refugee law is the body of law, established by treaty or custom, that provides protection and assistance to individuals who have crossed an international border out of a "well-founded fear" of persecution in their country of origin. The *Convention relating to the Status of Refugees* (1951), applying to refugees from events in Europe prior to 1951, and its *Protocol relating to the Status of Refugees* (1967), which removes the temporal and geographical restrictions, codify fundamental principles, most notably non-discrimination, non-penalisation and *non-refoulement*, while applying rights enshrined under UDHR to refugees specifically.

International Criminal Law (ICL) criminalises the most serious violations of human rights and international humanitarian law, including abuse of power, and makes perpetrators of such conduct criminally liable. Importantly, International Human Rights Law, International Refugee Law and International Criminal Law can operate at the same time as IHL, thereby combining to create a comprehensive and established legal framework for protection and assistance. All states are obliged to prosecute and punish certain conduct recognised as international crimes such as torture and other breaches of peremptory norms. These bodies of international law are distinct from IHL in that they apply in peacetime, as well as in the context of conflict, occupation and war.

There are several important binding ICL norms relevant to the FFA.

The *Rome Statute of the International Criminal Court* (1998) (ICC Statute) is the treaty that established the International Criminal

Court (ICC), its functions, jurisdiction and structure. The Rome Statute also establishes four core international crimes: genocide, aggression, crimes against humanity, war crimes, including the serious crimes of population transfer, torture, rape and enslavement. It also provides a definition of "extermination" to include "the intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population".¹⁵³

The *International Convention on the Suppression and Punishment of the Crime of Apartheid* (1973) echoes the human rights and corresponding obligations, including extraterritorial obligations, of states in the context of institutionalised racial discrimination amounting to apartheid.¹⁵⁴

The *Convention on the Prevention and Punishment of the Crime of Genocide* (1948) defines "genocide" to include "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part".

In addition to the international treaties outlined above, several **non-binding instruments** support the FFA principles. These declarations, resolutions, and guidelines are part of *soft law* (*lex feranda*). Despite their non-binding character, they can influence policy decisions, inform the interpretation of binding legal rules and mobilise states to establish binding international law. CFS policies, including the FFA, fall under this category.

Important global policy commitments relevant to the FFA are:

- Transforming our world: the 2030 Agenda for Sustainable Development (SDGs)
- *Addis Ababa Action Agenda* (related to resource mobilisation, financial aid, and assistance)
- UN Environment Assembly Resolution on the Protection of the Environment in Areas Affected by Armed Conflict
- Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)
- Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the

Context of National Food Security (RtFG)

- Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication (SSF Guidelines)
- United Nations Declaration on the rights of Indigenous Peoples (UNDRIP)
- United Nations Declaration on the rights of peasants and other people working in rural areas (UNDRoP)
- Other CFS Policy Recommendations on subjects such as Connecting Smallholders to Markets, Water for Food Security and Nutrition, and Food Systems and Nutrition (*currently in negotiation*)
- Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance ("IDRL Guidelines")
- The Humanitarian Charter and Minimum Standards in Disaster Response (courtesy of the Sphere Project)
- United Nations Declaration on Permanent Sovereignty over Natural Resources
- Maastricht Principles on Extraterritorial Obligation of States in the area of Economic, Social and Cultural Rights.

TOWARD AN FFA MONITORING TOOL

As with any policy, the FFA needs a clear, consistent, and operational way to monitor and evaluate responses taken by various actors. As of yet, no clear methodology or tool has been developed to monitor and evaluate food-related responses and their impacts during protracted crises in a consistent manner. Guided by the CFS Framework for Monitoring CFS Decisions and Recommendations,¹⁵⁵ a concrete methodology or tool should be developed for use within the CFS.

While current systems used in crises, such as FAO's Global Information and Early Warning System (GIEWS) or USGS's Famine Early Warning Systems Network (FEWS NET) are useful in their ability to monitor particular indicators relevant to the food and nutrition situation of countries in crisis or pre-crisis, they are not sufficient to ensure that appropriate responses are carried out. A complementary tool that monitors *responses* within a crisis is needed.

UN Rome-based Agencies (RBAs), with support from states, should lead the development of an FFA monitoring methodology or tool. Every stage

of the development process should include civil society and those most affected by conflict and crises. An important step to forming this tool is finding consensus on the most important components of the FFA which should be prioritized for monitoring.

The methodology or monitoring tool should:

- include structural, process, and outcome indicators that are evaluable, realistic, and versatile and can monitor interventions made in various contexts by various actors;
- include indicators that track progress towards fulfilling the conditions needed to overcome structural stresses to the food system during the crisis period (as found throughout the FFA and other CFS policy guidelines);
- focus on the programs and actions of all actors, including all spheres of government and organs of the state, humanitarian and development agencies, RBAs, the private sector, and the INGO/NGO sector;
- determine whether preventive measures and/or responses align with existing human rights and international humanitarian law obligations.

In developing a concrete methodology based on these components, the CFS would support the policy coherence sought across the UN development system and align with evaluation criteria already in place in the international sphere (such as OECD's DAC guidance). Such a tool would contribute to the integrity and relevance of CFS in critical contexts of conflict and crises. This methodology could also proffer a model for future application to other CFS policy instruments.

RECOMMENDATIONS

Successful implementation of the FFA requires concerted and coordinated efforts from all stakeholders.

The following recommendations for improved implementation of the FFA are based on feedback from CSO partners around the world. They propose ways to overcome barriers and challenges identified in this report:

- **Create clear context-specific action plans.** The FFA should be interpreted into processes and plans that elaborate the

roles of the diverse actors involved, how they will collaborate, and how they will integrate the FFA principles and overarching values into their policies, programmes, and budgets. Such a process should ensure the participation of affected communities. The expertise of CSOs that helped develop and disseminate the FFA should be utilised. The CFS could convene an international multi-actor consultation on the implementation of the FFA to help inform country processes. Such a consultation would also be helpful to unpack the *triple-nexus approach* advocated by other policy platforms and further interrogate how the nexus ought to address underlying causes and human rights obligations.

➤ **Increase dissemination, awareness, and engagement.** This should include a clear strategy to guide actors in initiating awareness activities, determining who, how, when, and to what audience. States and RBAs should take leading roles in disseminating and advocating use of the FFA at the country/regional level, including through bi-lateral and multi-actor meetings. States and RBAs should support CSOs in advancing the FFA's application with funding, partnerships, and technical assistance. Knowledge of the FFA could be improved through training workshops (such as internal RBA workshops or CSO-led advocacy and assessment training for affected communities), translation of the FFA into local languages, and engaging traditional and social media to reach affected communities. Sessions and side events on the FFA should be integrated into existing forums to save resources and expand the FFA's audience.

➤ **Target audiences.** This review has found that many actors with potential impact on food security and nutrition were not made aware of the FFA. Its added value should be explained to public institutions and local authorities; political, peacekeeping, and peacebuilding actors; traditional authorities; inter-governmental organisations and financial institutions, donors (especially those based in the Global North); research organisations, universities and extension

organisations; farmers and their organisations; members of affected communities (including IDPs, refugees, and peoples under occupation); private-sector actors; and consumer organisations. Additional efforts should be made to share and discuss the FFA with humanitarian and development organisations and networks, including the global Food Security Cluster (FSC) and members of the UN Interagency Standing Committee (IASC); international and national NGOs; relevant government ministries, especially those with mandates dealing with agriculture, environment, water, planning, foreign affairs, industry, transport, trade; and RBAs at regional and country levels. FFA outreach should also target relevant international forums such as UN General Assembly, Human Rights Council, 2021 Brussels Conference, Conference of Parties to the Kyoto Protocol and Paris Agreement; and thematic intergovernmental organisations and forums such as the g7+ group of fragile states, the United Nations Office for Disaster Risk Reduction (UNDRR) (formerly known as UNISDR) and the UN World Conference on Disaster Risk Reduction (WC-DRR).

➤ **Enhance communication between CFS representatives and counterparts.** The representatives of CFS members and participants should disseminate the FFA to counterparts, help in capacity building, and identify focal points to follow up with implementation and use at the national and regional levels, in collaboration with CSOs.

➤ **Engage regional intergovernmental organisations.** This will help FFA dissemination and inclusion of its principles and overarching values in regional strategies, particularly where ETOs apply and where protracted crises extend beyond national borders. Examples include the five UN Regional Commissions, the League of Arab States, the West African Economic and Monetary Union, European Union, Organization of American States, Union of South American Nations, African Union, Southern Africa Development Community, East Africa Community, Association of Southeast

Asian Nations (ASEAN).

➤ **Reach out to organisations and networks of local governments.** CFS and partners should formally engage in local government platforms, namely the Forum of the Milan Urban Food Policy Pact, UCLG, World Human Rights Cities Forum, International Council for Local Environmental Initiatives (ICLEI), and Mercociudades, as well as hybrid networks such as Cities Alliance, among others.

➤ **Discuss responses to protracted crises in multi-actor forums or committees.** Actors with different mandates, including humanitarian, development, human rights and peacebuilding should be brought together to coordinate approaches to protracted crises at the national or local level. Governments should support or take the lead in creating such platforms. CSOs, human rights actors, Special Procedures, and agencies with experience in addressing root causes of crises should be particularly sought out. This outreach could be coordinated with regional or international thematic platforms on specific issues to facilitate exchange of knowledge and help develop context-specific processes for implementing the FFA.

➤ **Include CSOs and affected communities in the design, implementation, and monitoring of policies and actions.** As a standard and indispensable practice, governmental and intergovernmental organisations, humanitarian and cooperation partners, and donors should consult CSOs and representatives of affected communities on their work.

➤ **Create specialised departments for food security and nutrition within governments.** Having a central unit to coordinate and collect information from various departments and actors on food security issues would help governments work for the alignment and implementation of the FFA.

➤ **Ensure aid aligns with FFA principles.** Governments should create processes to

regulate foreign aid during protracted crises. FFA alignment could be a precondition of working in countries. Regular assessments on FFA alignment in policy and practice should be undertaken to ensure that responses are continuously improved.

➤ **Identify and disseminate best practices.** Examples of successful, comprehensive responses to protracted crises would provide guidance and encouragement to all actors.

➤ **Develop materials to facilitate the implementation of the FFA.** This could include designing and packaging policy messages based on the FFA, a legal guide to relevant norms, and training materials to help actors use the FFA. The FFA should also be adapted into forms for popular communication, so different segments of society can take ownership of this instrument and demand its application.

➤ **Target funding to comprehensive programs.** Donors should direct resources to approaches that cover all dimensions needed to enable crisis recovery and prevention: humanitarian assistance, sustainable development and addressing root causes and human rights. This could be done by supporting and encouraging multi-actor programmes or supporting multi-mandated organisations.

➤ **Develop a monitoring methodology or tool.** The outcomes of the Global Thematic Event should be consolidated in a method or tool to enable actors to monitor, evaluate and review the FFA and its use in a clear, consistent, and comprehensive manner. RBAs with support from states should lead the development of such a tool, engaging stakeholders therein.

➤ **Develop accessible and meaningful grievance mechanisms.** Such mechanisms should be developed at country and local levels in order to allow affected communities to voice concerns on interventions that do not align with the FFA. Such mechanisms should include steps for incorporating community feedback, resolving dis-

putes, and communicating actions taken to aggrieved parties.¹⁵⁶

➤ **Conduct normative training.** Such trainings should include various actors including UN officials and government personnel in the bureaus and in the field. CSOs and affected communities should also learn strategies to employ the norms in advocacy, communication efforts, and taking legal action.

➤ **Carry out internal assessments.** All concerned institutions should carry out self-assessments and internal monitoring exercises to ensure alignment with FFA principles and carry out necessary reforms.

➤ **Give particular attention to the monitoring of policies and actions that impact women and girls.** Civil society and Indigenous Peoples in every region have highlighted the need for effective and coordinated women's rights and women empowerment initiatives that transcend perfunctory statements.

➤ **Speak directly to the drivers of protracted crises and promote just peace.** Remedying root causes of protracted crises, including their environmental, economic, political and human rights dimensions is essential to achieving durable just peace.

➤ **Call for radical transformation of our food systems.** The current food system propagates inequities in access to food and to productive resources and is a main cause of resource degradation. These factors trigger and sustain protracted crises. Radical transformation of our food systems that guarantees fair distribution of food and productive resources is essential to end food insecurity and protracted crises. Food systems, including those in protracted crises, must be governed by principles of food sovereignty, with the voices and priorities of affected communities leading the way.

➤ **Mobilise political will by building solidarity and encouraging public engagement.** In light of the barriers to use and im-

plementation (see section above), actors should unite to generate the political will needed to implement the FFA. CSOs should seek local, regional and international partnerships to deepen their understanding of the drivers of protracted crises, promote respect for international law, including the domestic, individual and collective obligations of states. In order to promote compliance with extra-territorial obligations, residents of countries with policies that drive protracted crises, including war, occupation, exploitative trade policies, and global environmental degradation, should be encouraged to seek domestic political avenues of redress.

RESOURCES

After the FFA endorsement in 2015, **CSM** prepared a number of documents including:

- [Summary Report of CSM inclusions in the FFA](#)¹⁵⁷
- [Way Forward Position Paper](#)¹⁵⁸
- [CSM position on Resilience presented in the CFS Special Event on Resilience Building](#)¹⁵⁹

In 2021, **CSM** prepared a document detailing many of the norms that align with the FFA:

- [Inventory of Norms Supporting the FFA](#)¹⁶⁰

CSM has released a number of recent reports that detail responses to food insecurity in the context of COVID-19 including:

- [Voices from the Ground: From COVID-19 to Radical Transformation of Our Food Systems \(2020\)](#)
- [Gender, COVID-19 and Food Systems: Impacts, Community Responses and Feminist Policy Demands \(2020\)](#)
- [Youth Demands for a Radical Transformation of Our Food Systems \(2020\)](#)

CFS has endorsed several other policy products and recommendations that support FFA principles. They can be found on its [website](#). Two key complementary guidelines are:

- [Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in](#)

the Context of National Food Security (2012)

- *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of the National Food Security* (2005)

FAO has published many [resources](#) on working in and on protracted crises. Some of its guides with particular relevance to the FFA include:

- *Guide to Context Analysis Informing FAO Decision-making Approaches to Working in Fragile and Conflict-affected Contexts* (2019)
- *The Programme Clinic: Designing Conflict-sensitive Interventions*, including a [facilitation guide](#) and [participant's workbook](#) (2019 & 2020)
- *Food Security, Sustaining Peace and Gender Equality: Conceptual Framework and Future Directions* (2017)
- *Land and People in Protracted Crises: Building Stability on the Land* (2016)
- *Corporate Framework to Support Sustainable Peace in the Context of Agenda 2030* (2018)

Every year, the **State of Food Security and Nutrition in the World** (SOFI) report is published on progress made and challenges remaining for achieving global food security. The following SOFI reports focused on protracted crises:

- *The State of Food Security and Nutrition in the World: Building Resilience for Peace and Food Security* (2017) prepared by **FAO, IFAD, UNICEF, WFP, and WHO**
- *The State of Food Insecurity in the World: Addressing Food Insecurity in Protracted Crises* (2010) prepared by **FAO and WFP**

Along with its umbrella organisation, **UN-HABITAT**, the **Global Land Tool Network** has created several useful references for root cause analysis.

- *How to Do a Root Cause Analysis of Land and Conflict for Peace Building* (2017)
- *Lessons from the Field on Conflict Sensitive Land Governance and Peacebuilding* (2018)

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