The Special Rapporteur welcomes the report prepared by the High Level Panel of Experts (HLPE) on Biofuels and Food Security with a view to informing decisions of the Committee on World Food Security (CFS) on these matters. Having studied the latest draft ‘decision box’ (version of 5 September 2013) that is being prepared in advance of the 40th session of the CFS, the Special Rapporteur considers that a number of key recommendations of the HLPE report should be more clearly reflected in the draft decisions presented to the CFS. In particular, the Special Rapporteur notes the following:

1. While the draft of the decision box on biofuels and food security acknowledges the influence of biofuels on international commodity prices, no substantive measure besides “mitigating the impact of price shocks” and “mitigating risk for the most vulnerable against the impact of food price volatility” is envisioned to limit this negative impact. Yet, it is now widely acknowledged that public incentives for biofuels inject significant demand into the commodities markets and, therefore, impact prices significantly, both on international markets and on the domestic markets of net-food-importing countries. The HLPE report further underlines the substitution effects through which biofuels production actually push prices up for all crops, and not only biofuel crops. High food prices on international and domestic markets can put food out of reach for people living in poverty, and are therefore a major threat to the enjoyment of the right to food. As suggested by the High Level Panel of Experts (HLPE), the focus has to be put on prevention and “governments must adjust biofuel policies and devise mechanisms to prevent (market-driven) biofuel demands posing a threat to food security from price rises.” In other terms, a proactive approach, acknowledging the role of biofuels policies as drivers of high prices and price volatility, is required, not simply an approach that is focused on reacting to crises as they emerge. A recommendation that “contingency plans” are established “to adjust ... policies that stimulate biofuel production or consumption when global food markets are under pressure and food supplies are endangered” (recommendation 1,(f of the draft decision box) is clearly insufficient to address the structural impacts on prices of biofuel policies. Biofuels are a driver of high prices that cannot be changed or switched on or off at will in short-term reactions to market developments.

2. Specific attention should be given to the land, water and resource implications of biofuel policies. This is discussed in detail in the HLPE report but currently not addressed in the draft ‘decision box’, which is astonishing. By setting mandatory targets and subsidizing biofuels, biofuel policies not only create a heavily distorted biofuel market, but they also encourage an artificial land market, boosting land values and transforming it into a profitable asset for

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1 HLPE, 2013, « Biofuels and food security: A report by the High Level Panel of Experts on Food Security and Nutrition”, FAO.
2 Ibid, p.59.
3 Ibid p.17 (Recommendation 1(a)).
investors. As a result, threats to the security of tenure for smallholders are further increased, with potential negative consequences on the food security of local communities. The cultivation of feedstocks (i.e., agricultural raw materials such as maize, palm oil or sugar cane) to produce biofuels requires large areas of land, thereby creating incentives for the land leases or acquisitions in countries, particularly in Sub-Saharan Africa, where the rights of the current land users are often inadequately protected. As such, the HLPE report confirms that due to biofuel production, competition is increasing for access to land, water and other resources, with potentially detrimental consequences for food crops production that feed the local communities, resulting in a threat to the enjoyment of the right to food. In this regard, the Special Rapporteur encourages the CFS to consider the HLPE recommendation that “Policies must integrate land and water impact assessment so that land concessions cannot be made without an evaluation of the impacts of land use on water resources”.

3. Furthermore, the Special Rapporteur would like to highlight that biofuel policies should be informed by social sustainability criteria as well as social and human rights impact assessments, elements that are discussed in the HLPE report but currently missing the draft ‘decision box’.

The Special Rapporteur fully agrees with the recommendations of the HLPE that “food security and the right to food should be priority concerns in the design of any biofuel policy” and that “Governments should adopt the principle: biofuels shall not compromise food security and therefore should be managed so that food access or the resources necessary for the production of food, principally land, biodiversity, water and labour are not put at risk. The CFS should undertake action to ensure that this principle is operable in the very varied contexts in which all countries find themselves.” In the draft decision box, Recommendation 1(d), could be improved by taking this recommendation of the HLPE into account.

4. Finally, as suggested by the HLPE, “Governments need to explore alternative policy measures (such as improvements in fuel efficiency and a transition to collective transport, and the development of alternative renewable fuels) to reduce fossil-energy-based transport and associated GHG emissions.” Research and Development (R&D) should be encouraged in that direction. Recommendation 3(a) in the draft decision box could be improved in this regard.

5. As discussed in the HLPE report, biofuel production has been encouraged by State subsidies. Taking into account the available evidence, and with a view to avoiding negative impacts on the right to food, the Special Rapporteur considers that the CFS should encourage the reduction – and eventually the removal – of public incentives for the production of food crop-based biofuels. Only advanced biofuels that do not compete with food production for land or other resources should be incentivized. All such proposals must address the core problem, namely the very existence of public incentives for biofuels that send a signal to markets that speculation on farmland is bound to continue and that investments in energy crops are worth pursuing.

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Olivier De Schutter was appointed the UN Special Rapporteur on the right to food in March 2008 by the United Nations Human Rights Council. He is independent from any government or organization, and he reports to the Human Rights Council and to the General Assembly. All reports are available on [http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx](http://www.ohchr.org/EN/Issues/Food/Pages/FoodIndex.aspx). See [www.srfood.org](http://www.srfood.org) for a thematic classification of all reports and statements of the Special Rapporteur. The Special Rapporteur can be contacted at srfood@ohchr.org

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5 HLPE, 2013, p. 18 (Recommendation 2(d)).
6 Ibid, p.17.
7 Ibid, p.18 (Recommendation 3(d)).