

Mandate of the Special Rapporteur on the right to food

REFERENCE:
AL LBN 2/2020

24 August 2020

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the right to food, pursuant to Human Rights Council resolution 32/8.

In this connection, I would like to bring to the attention of your Excellency's Government information concerning the **consequences of the explosion that took place in Beirut on 4 August 2020 on food security in Lebanon.**

According to the information received:

On 4 August 2020, warehouse number 12 in the Port of Beirut exploded causing more than 177 deaths, 6000 wounded and 30 still missing. The explosion was caused by the detonation of ammonium nitrate stored in the port. As a result of the blasts, buildings were destroyed and partially damaged across several neighborhoods, including in Gemmayzeh and Karantina. These buildings included people's homes and businesses such as restaurants, shops and hotels, leaving an estimated of 300 000 individuals without a home¹ and very seriously impacting a number of individuals' livelihoods.

The only national grain silos located in the Port of Beirut were destroyed by the explosion. The silos contained, at the time, around 15 000 tons of wheat corn and barley.² Their destruction resulted in a great loss in stock as Lebanon does not have a national grain reserve. As of 9 August 2020, it was estimated that the food reserve could only sustain the population's demand for the coming six weeks.³

Lebanon imports about 85 percent of its food. The Port of Beirut had been the country's principal imports entry point,⁴ hosting 70% of trade transits, and is a key trading route for the region. Due to the destruction of the silos, there are no other structures of equal capacity in the country, including in the port of Tripoli. As a result, there is an increased reliance on private silos in other locations.⁵ In addition, Beirut port is the biggest port in the country, imports and exports generate around USD250 million from fees each year, the expected loss of revenues' share is significant for the country and the reconstruction of the port is estimated to be USD 15 billion.

¹ <https://insight.wfp.org/world-food-programme-to-scale-up-in-lebanon-as-blast-destroys-beirut-port-7270471d1f87>

² WFP; WFP Lebanon Beirut Port Explosions Situation Report #1 09 August 2020.

³ WFP Lebanon Beirut Port Explosions Situation Report #1 09 August 2020

⁴ <https://www.wfp.org/countries/lebanon>

⁵ Ibid.

The consequences of the explosion have exacerbated the challenges to people's right to food that had existed before the explosion – their ability to access a healthy supply of adequate food. Dissatisfaction with chronic mismanagement, corruption and political stalemates boiled over into an uprising last October and has recently resurged.

Coupled with the Covid-19 pandemic,⁶ the Lebanese economy has been decimated and the Lebanese pound has collapsed losing 80 per cent of its value in the past year. Furthermore, the country has been facing particular challenges when it comes to its debt burden of 155% of GDP in 2019, which resulted in debt default and the beginning of restructuring process this spring.⁷

According to the World Food Programme, 1.6 million people were in need of food security and agricultural supports⁸ and 49% of Lebanese were worried about access to food, before the explosion in the country. Food prices, which have steadily grown with an inflation rate of 245% as of June 2020,⁹ are expected to skyrocket, in a context of rising unemployment and where it was estimated that 75% of the population were already in need of aid in April 2020.¹⁰ In addition, it was estimated that poverty rate would increase from 28 per cent in 2019 to 55 per cent by May 2020.¹¹

Lebanon is on the verge of a hunger crisis, if it is not already in one. Everyone's access to adequate food in Lebanon, following the explosion, is extremely constrained especially given the pre-existing political economic crisis and COVID-19 pandemic. Shops and markets have been destroyed, food production has been disrupted, and access to seeds has been impaired. With diminished imports, the already inflated food prices are expected to further rise, while unemployment and poverty are to increase as a result of the incident. Particular groups, including refugees, migrants, older persons and people who live in poverty, are at higher risk of bearing the brunt of the negative impacts and face particular challenges to fulfill their right to food, already coping with challenges resulting from the political economic crisis and the COVID-19 pandemic.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

⁶ As of 17 August there was 8,881 total cases reported according to WFP.

⁷ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25715&LangID=E>

⁸ FAO, <http://www.fao.org/3/cb0204en/CB0204EN.pdf>

⁹ WFP, WFP Lebanon Beirut Port Explosions Situation Report #2 17 August 2020

¹⁰ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=26072&LangID=E>

¹¹ ECSWA, Poverty In Lebanon: Solidarity Is Vital To Address The Impact Of Multiple Overlapping Shocks, E/ESCWA/2020/Policy Brief.15.

As it my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

- 1) What measures has your Government put into place to ensure that all people in Lebanon, especially the most vulnerable, have access to a healthy supply of adequate food?
- 2) What food relief is your Government providing victims of the blast?
- 3) How is your Government ensuring that national and international humanitarian food aid is reaching all people in Lebanon regardless of their legal or personal status?
- 4) Which Ministry has been granted the authority to ensure that people's right to food in Lebanon is fulfilled and what actions have been taken in this regard?
- 5) What action is the Government undertaking in order to ensure and maintain food importation into the country?
- 6) Seeing as this hunger crisis is the result of long-standing problems, what is the Government planning to do in order to reform Lebanon's food system?
- 7) How is your Government planning to support and increase local agricultural production in order to ensure that all people in Lebanon have access to adequate food?

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

I may publicly express my concerns in the near future as, in my view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. I also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that I have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of my highest consideration.

Michael Fakhri
Special Rapporteur on the right to food

Annex

Reference to international human rights law

Article 11 (1) of the International Covenant on Economic Social and Cultural Rights, ratified by Lebanon in 1972, recognizes “the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” In interpreting this provision, the Committee on Economic Social and Cultural Rights (CESCR) stressed in its General Comment No. 12 that the core content of the right to adequate food implies, *inter alia*, both economic and physical accessibility of food (para. 7). The Committee considers that the core content of the right to adequate food implies, *inter alia*, availability of food which refers to the possibilities either for feeding oneself directly from productive land or other natural resources, or for well-functioning distribution, processing and market systems that can move food from the site of production to where it is needed in accordance with demand, and accessibility of food which encompasses both economic and physical accessibility.

The obligation to respect existing access to adequate food requires States parties not to take any measures that result in preventing such access. The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food. The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly.

Article 2 of the International Covenant on Economic Social and Cultural Rights provides that States have the obligation to devote the maximum available resources to the progressive realization of human rights, individually or through international cooperation. In addition, the right to be free from hunger and malnutrition is not subjected to the progressive realization, as it must be fulfilled in a more urgent manner¹². As highlighted in CESCR General Comment no. 12 “States parties should recognize the essential role of international cooperation and comply with their commitment to take joint and separate action to achieve the full realization of the right to adequate food.”¹³ In addition, the committee stressed that “States have a joint and individual responsibility, in accordance with the Charter of the United Nations, to cooperate in providing disaster relief and humanitarian assistance in times of emergency, including assistance to refugees and internally displaced persons. Each State should contribute to this task in accordance with its ability.”¹⁴

¹² Article 11.2 IESCR CESCR, General Comment no. 12.

¹³ *Ibid*, para 36.

¹⁴ CESCR, General Comment no. 12, para. 38.