

## SECOND PART: APPLICATION FORM IN WORD FORMAT

### Special Rapporteur on the right to food

Appointment to be made by the Human Rights Council at its 43rd session  
(24 February – 20 March 2020)

**APPLICATION DEADLINE: 17 OCTOBER 2019 AT 12:00 NOON GREENWICH MEAN TIME**

- The application process consists of two compulsory parts:  
**(1) online survey**<sup>1</sup> (<https://ohchr-survey.unog.ch/index.php/283689>)  
and  
**(2) application form in Word format**<sup>2</sup> (to be downloaded from <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/HRC43.aspx>)
- Once fully completed, the Word application form should be submitted by email to [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org)
- A maximum of up to three optional reference letters may be attached to the email (in Word or pdf format).
- No additional documents (e.g. CVs, resumes or supplementary reference letters) will be accepted.
- Applicants will receive an acknowledgment email when both parts of the application process, i.e. the data submitted through the online survey and the Word application form, have been received by the Secretariat. Shortlisted candidates will be interviewed at a later stage.
- Please note that an application will only be considered if both parts and all sections of the Word application form have been completed and received by the Secretariat before the expiration of the deadline. **No incomplete or late applications will be accepted.**
- General description of the selection process and answers to frequently asked questions are available at <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx> and <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/BasicInformationSelectionIndependentExperts.aspx>
- In case of technical difficulties or problems with accessing or completing the forms, you may contact the Secretariat by email ([hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org)) or fax (+41 22 917 9008).

### I. PERSONAL DATA

<b>1. Family (last) name:</b> Fakhri	<b>5. Year of birth:</b> 1977
<b>2. First (given) name:</b> Michael	<b>6. Place of birth:</b> Montreal, Canada
<b>3. Other name, if any:</b>	<b>7. Nationality (please indicate the nationality that will appear on the public list of candidates):</b> Lebanese
<b>4. Gender:</b> Male	<b>8. Any other nationality:</b> Canadian

<sup>1</sup> The short **online survey** is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate applying for and, if appropriate, nominating entity. The same name, gender and nationality should be used both in the online survey and in the Word application form.

<sup>2</sup> The **application form in Word format** includes a motivation letter of maximum 600 words (section III of the form). The application form should be completed in English only. It will be used as received to prepare the public list of candidates who applied for the vacancy. The candidate's application form will also be posted as received on the OHCHR public web page for the selection process.

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## **II. MANDATE-SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE**

**NOTE: Please describe why the candidate's competence / qualifications / knowledge is relevant in relation to the specific mandate:**

### **1. QUALIFICATIONS (200 words)**

**Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)**

Degrees: Bachelor of Science in Biology (Western); Bachelor of Laws (Queen's); Master of Laws (Harvard); Doctor of Juridical Science (Toronto).

For the past ten years, I have been a professor of law at the University of Oregon where I teach courses on Human Rights and Development, Corporate Social Responsibility, Food Law, and International Trade. I am also the director of the Food Resiliency Project in the Environmental and Natural Resources Law Center. I have been a member of the University Food Studies Coordinating committee since its inception in 2012. My research focuses on how the right to food and food security have always been central to understanding trade law.

During my tenure on the Board of Trustees of the Academy of Food Law and Policy, I co-organized the Academy's inaugural conference which was held at Harvard Law School. As a social justice litigator in Canada, I fearlessly defended my clients' human rights, most of whom were indigent and incarcerated in psychiatric institutions.

I have experience working on human rights issues in various parts of Africa, the Arab world, and North America. I work primarily in English but have worked in colloquial Arabic on human rights and development issues.

### **2. RELEVANT EXPERTISE (200 words)**

**Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired.)**

**Knowledge of institutional mandates related to the United Nations or other international or regional organizations' work in the area of human rights. (Please state how this was acquired.)**

**Proven work experience in the field of human rights. (Please state years of experience.)**

For the past thirteen years, my research has focused on the historical intersection of food security and international trade within different international institutions. My contemporary work tracks how social movements and indigenous peoples are making the right to food a vibrant binding norm. I also study institutional processes such as the Committee on World Food Security. As Director of the Food Resiliency Project for the past five years, I have been committed to relying on the right to food to guide all of our public research.

I have a forthcoming publication co-authored with Madeline Redfern (the current mayor of Iqaluit, Nunavut) that measures WTO law against UNDRIP. Our chapter is part of an edited collection entitled Indigenous Peoples and International Trade (Cambridge University Press), which will be the first book on this topic.

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I have appeared before the Inter-American Court of Human Rights and been cited by the International Court of Justice. I have argued before Canadian tribunals and courts bringing human rights claims under domestic law and the Convention on the Rights of the Child. I have taught courses on the right to food at Harvard Law School, European University Institute, and the University of Arizona Indigenous Governance Program.

#### **3. ESTABLISHED COMPETENCE (200 words)**

##### **Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired.)**

I have delivered lectures and moderated public conversations on international human rights and development topics at universities in places such as South Africa, Egypt, Lebanon, Qatar, Singapore, Italy, Switzerland, Iceland, the United States, and the United Kingdom. I have also been invited to give talks on human rights and development by peasant unions, labor activists, and human rights activists in the Arab region and North America and at international organizations such as the WTO Ministerial Conference.

Most recently, I was invited to provide an expert opinion from a right to food perspective on a draft of UNIDROIT's Legal Guide on Agricultural Land Investment Contracts. This past summer, I was awarded a research grant to investigate how small-scale commercial fishers in Oregon can rely on their domestic economic and social rights to protect their communities against disruptions caused by climate change.

#### **4. PUBLICATIONS OR PUBLIC STATEMENTS**

##### **Please list-significant and relevant published books, articles, journals and reports that you have written or public statements, or pronouncements that you have made or events that you may have participated in relation to the mandate.**

###### **4.1 Enter three publications in relation to the mandate for which you are applying in the order of relevance:**

###### **1. Title of publication:** The International Political Economy of the Right to Food

**Journal/Publisher:** in Nehal Bhuta (ed.), Human Rights and Global Governance (Oxford University Press)

**Date of publication:** 2020

**Web link, if available:**

[https://www.academia.edu/40614188/The\\_International\\_Political\\_Economy\\_of\\_the\\_Right\\_to\\_Food](https://www.academia.edu/40614188/The_International_Political_Economy_of_the_Right_to_Food)

###### **2. Title of publication:** Third World Sovereignty, Indigenous Sovereignty, and Food Sovereignty

**Journal/Publisher:** Transnational Legal Theory

**Date of publication:** 2018

**Web link, if available:** <https://bit.ly/35Eak7T>

###### **3. Title of publication:** Food as a Matter of Global Governance

**Journal/Publisher:** Journal of International Law and International Relations

**Date of publication:** 2015

**Web link, if available:** <https://bit.ly/32jRVva>

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**If more than three publications, kindly summarize** (200 words):

"Human Rights and Agricultural Land Invesment Contract" Afronomics Law (2019)  
<https://bit.ly/2VRzn2L>

"FAO Secretary General Elections" EJIL:Talk! (2019) <https://bit.ly/35HEo2A>

"Inuit Seal Hunting and the Construction of Indigenous Identity in Trade Law", in John Borrows and Risa Schwartz (eds.), Indigenous Peoples and International Trade: Building an Equitable and Inclusive International Trade and Investment Agreement (Cambridge University Press, forthcoming 2020) (with Madeleine Redfern)

"A History of Food Security and Agriculture in International Trade Law, 1945-2015", in Akbar Rasulov and John Haskell (eds.) International Economic Law: New Voices, New Perspectives (Springer, forthcoming 2019)

Bandung, Global History and International Law (Cambridge University Press 2017; paperback 2018) (co-edited with Vasuki Nesiah and Luis Eslava)

"Gauging US and EU Seal Regimes in the Arctic Against Inuit Sovereignty" in Nengye Liu et al. (eds.), The European Union and the Arctic (Brill Nijhoff 2017) 200

Sugar and the Making of International Trade Law (Cambridge University Press 2014; paperback 2017)

"The Intersection Between Food Sovereignty and Law", 28:2 Natural Resources & Environment 45 (2013)

"Images of the Arab World and Middle East, Debates About Development and Regional Integration", 28:3 Wisconsin International Law Journal 390 (2011)

**4.2 Enter three public statements or pronouncements made or events that you may have participated in relation to the mandate for which you are applying in the order of relevance:**

**1. Platform/occasion/event on which public statement/pronouncement made:**

Invited expert, Presenation: "Using Trade and Natural Resource Law to Weaponize Indigenous Identity Against Indigenous Peoples",

**Event organizer:** US Consulate in Sydney; University of New South Wales, Australia

**Date on which public statement/pronouncement made:** 4 June 2019

**Web link, if available:**

**2. Platform/occasion/event on which public statement/pronouncement made:**

Invited speaker, Presentation: "Indigenous Sovereignty, Food Sovereignty, and Third World Sovereignty"

**Event organizer:** University of Arizona Indigenous Peoples Law and Policy Program

**Date on which public statement/pronouncement made:** 10 January 2018

**Web link, if available:**

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#### **3. Platform/occasion/event on which public statement/pronouncement made:**

Invited Expert, Presentation: "How A Renewed International Trade Law May Contribute to a More Equitable Global Food Regime"

**Event organizer:** Government of Argentina, WTO Ministerial

**Date on which public statement/pronouncement made:** 13 December 2017

**Web link, if available:**

**If more than three, kindly summarize** (200 words): "Seal Hunting, Arctic Sovereignty, and Indigenous Rights", 9th Polar Law Symposium/Arctic Circle Assembly, University of Akureyri, Iceland (6 October 2016)

"The Implications of Understanding Peasants as Merchants Under Lex Mercatoria", Invited Speaker, Harvard Law School, Cambridge, USA (2 June 2015)

"Historical Limits and New Possibilities for International Investment and Environmental Law" International Law Colloquium, Loyola University Chicago School of Law, USA (22 April 2015)

"Why Trade Law Should Engage With Ideas of Resilience", Invited Speaker, Annual WTO Conference, British Institute of International and Comparative Law, London, UK (15 May 2014)

"Food Sovereignty as a Legal Concept", Yale Food Systems Symposium, Yale University, New Haven, USA (18 October 2013)

"Indicators and the Arab Human Development Reports: Empowering and Limiting Transformative Change", Invited Speaker, International Economic Development and The Promotion of Human Rights: Finding Harmony And Measuring Progress To Achieve Human Development, International Human Rights Law Institute, DePaul University College of Law, Chicago, USA (12 April 2013)

"International Investment Law; International Agricultural Law", Working Session on Trade and Investment issues and their Effects on Human Rights and Development, Egyptian Center for Economic and Social Rights/Arab NGO Network

#### **5. FLEXIBILITY/READINESS AND AVAILABILITY OF TIME** (200 words)

**to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council (HRC) sessions in Geneva and General Assembly sessions in New York, travelling on special procedures visits, drafting reports and engaging with a variety of stakeholders. Kindly indicate whether the candidate can dedicate an estimated total of approximately three months per year to the work of a mandate.**

**Please note that the work of mandate holders is unpaid. Those appointed as mandate holders serve in their personal capacities. They are not United Nations staff members, they are not based in United Nations offices in Geneva or at another United Nations location, and they do not receive salary or other financial compensation, except for travel expenses and daily subsistence allowance of "experts on mission".**

My schedule is flexible and if appointed, I would be ready, available and well prepared to fulfill the work of this mandate. My academic responsibilities allow me to dedicate at least three

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months per year to the work of the mandate. I would draw on the world class and public service-oriented institutional environment of the University of Oregon Environmental and Natural Resource Law Center and the broader University of Oregon Food Studies program to support the mandate. I already regularly supervise teams of law students to provide right to food research for community members. The Food Resiliency Project has a dedicated budget for administrators and researchers - if appointed I would be able to devote this time and personnel to the mandate directly.

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**III. MOTIVATION LETTER**

(600 word limit, must be included below and not in a separate email or as an attachment)

Hunger is not only a question of nutrition. People lose a significant part of who they are when they lose the ability to feed themselves in the ways that connect them to their land and history.

I bring my experience as a social justice litigator, community organizer, and international legal scholar to the right to food. Growing up internally displaced and a migrant because of civil war makes me sensitive to how people need human rights in order to maintain their dignity during their most trying times. I am interested in this mandate because I am committed to a human rights framework that is truly responsive to the lived experiences of people everywhere across diverse contexts.

Economic power, armed conflict, and turbulent ecosystems are some of the biggest threats to realizing human rights globally. While at the same time, the right to food has been taken up by a large number of international institutions and civil society organizations making it one of the most dynamic rights. In this context, the Special Rapporteur performs vital functions. Here I focus on three, explaining why my background and expertise prepare me well for this position.

First, the Special Rapporteur plays a critical role in raising awareness as to the cause and prevalence of hunger and famine. The need for independent, reliable fact-finding and reporting has never been more urgent. I have also seen how a Special Rapporteur has the power to direct global attention towards people's plight. Drawing on my experience in leading community conversations and engaging with non-specialist audiences, I will use the reports to generate global conversations across multiple platforms. I would commit to bringing forward voices from some of the most vulnerable groups which includes women, youth, racialized communities, and indigenous peoples.

Second, this mandate should encourage the global exchange of knowledge and expertise – across disciplines and professions – on how best to deploy international norms to combat hunger and famine. I will build on previous Special Rapporteurs' work connecting the right to food to agroecology. Agroecology is a way of producing food that works within ecological processes keeping in good relations with all beings. It draws from the practical knowledge of food-makers who regularly interface through different biomes, whether they be peasants, pastoralists, fisherfolk, hunters, workers, or cooks. By feeding us and dialoguing with nature, these are the people that understand the daily patterns of environmental change. Agroecology also treats questions of fairness and biodiversity as inseparable concepts. As the Director of the Food Resiliency Project at the University of Oregon, I am well positioned to engage in these terms. Using the right to food as our foundational concept, we provide free, public legal research to community members that are committed to using food-making practices to create a fairer and more biodiverse world.

Finally, the Special Rapporteur can play an important role in developing global frameworks even better suited to combatting hunger and famine. Within the UN, numerous processes are currently underway exploring different responses to evolving threats to people's access to food; these processes cut across issues of trade, development, environment, and humanitarian relief. This requires an appreciation of a large number of international institutions and technical

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knowledge that spans multiple fields. My research on institutions such as FAO, IFAD, WFP, UNCTAD, GATT/WTO, UNIDROIT, Convention on Biodiversity, UNDP, ISO, World Bank, investment treaties, commodity agreements, and seed banks informs my understanding of the right to food. The Special Rapporteur mandate is uniquely situated to take an integrated approach and, if appointed, I would collaborate across institutions and with other UN experts in the spirit of global norm creation.

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#### IV. LANGUAGES (READ / WRITTEN / SPOKEN)

Please indicate all language skills below.

**1. Mother tongue: English; Oral Fluency Arabic**

**2. Knowledge of the official languages of the United Nations:**

**Arabic:** Yes or no: **Yes** If yes,

**Read:** Easily or Not easily: **Not easily**

**Write:** Easily or Not easily: **Not easily**

**Speak:** Easily or Not easily: **Easily**

**Chinese:** Yes or no: **No** If yes,

**Read:** Easily or not easily:

**Write:** Easily or not easily:

**Speak:** Easily or not easily:

**English:** Yes or no: **Yes** If yes,

**Read:** Easily or not easily: **Yes**

**Write:** Easily or not easily: **Yes**

**Speak:** Easily or not easily: **Yes**

**French:** Yes or no: **Yes** If yes,

**Read:** Easily or not easily: **Not easily**

**Write:** Easily or not easily: **Not easily**

**Speak:** Easily or not easily: **Not easily**

**Russian:** Yes or no: **No** If yes,

**Read:** Easily or not easily:

**Write:** Easily or not easily:

**Speak:** Easily or not easily:

**Spanish:** Yes or no: **No** If yes,

**Read:** Easily or not easily:

**Write:** Easily or not easily:

**Speak:** Easily or not easily:

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**V. EDUCATIONAL RECORD**

**NOTE: Please list the candidate's academic qualifications (university level and higher, indicating type of degree, subject, and whether full or part-time, ex. *Masters in law, University of xxx, part-time*).**

<b>Name of degree and name of academic institution, full or part-time:</b>	<b>Years of attendance</b> (provide a range from-to, for example 1999-2003):	<b>Place and country:</b>
Doctor of Juridical Science, University of Toronto, full-time	2006-2011	Toronto, Canada
Master of Laws, Harvard Law School, full-time	2005-2006	Cambridge, USA
Bachelor of Laws, Queen's University, full-time	1998-2001	Kingston, Canada
Bachelor of Science, University of Western Ontario, full-time	1995-1998	London, Canada

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**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held in the area of human rights, beginning with your current occupation. Also indicate whether positions held were not full-time.**

<b>Name of employer, functional title, main functions of position, full or part-time:</b>	<b>Years of work (provide a range from-to, for example 1999-2005):</b>	<b>Place and country:</b>
University of Oregon, Associate Professor, teaching and research, full-time	2010 - Present	Eugene, USA
Swadron Associates, Lawyer, representing clients before tribunals and courts, full-time	2003-2005	Toronto, Canada
McMillan Binch LLP, Lawyer, commercial transactions, full-time	2001-2003	Toronto, Canada

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### VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS

(of Human Rights Council resolution 5/1)

***To be completed by the candidate or by the nominating entity on the candidate's behalf.***

**1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause the candidate to limit the extent of inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.**

No

**2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate's ability to act independently in discharging the mandate? If yes, please explain:**

No

**3. Is there any reason, currently or in the past, that could call into question the candidate's moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which the candidate discharges the mandate? If yes, please explain:**

No

**4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1? (Please answer YES if the candidate complies, NO if the candidate does not comply, together with an explanation.)**

***Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.***

***Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate holders will act in their personal capacity.***

Yes

**5. Should the candidate be appointed as a mandate holder, the candidate will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.**

N/A

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### **VIII. CERTIFY AND SUBMIT APPLICATION**

***To be completed by the candidate or by the nominating entity on the candidate's behalf.***

**I hereby certify that all of the statements made in this application are true, complete and are made in good faith. I understand that falsifying or intentionally withholding information will be grounds for not being selected or appointed or the withdrawal of any proposed appointment or, if an appointment has been made and accepted, for its immediate cancellation or termination.**

**Kindly note that whilst no changes can be made after this application form has been submitted and the deadline for applications has expired, any relevant change of current occupation, employment, or position, or any other relevant fact or circumstance should be brought to the attention of the secretariat by email ([hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org)).**

**Please review your application before you insert your name and date to indicate your agreement.**

**Name:** Michael Fakhri

**Date:** 16 October 2019

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