

## **U.S. Opening Statement for FAO Right to Food Forum, (October 1-3, 2008: Rome)**

Mr. Chairman and distinguished colleagues,

It is a pleasure to return to the FAO to continue work in implementing the Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security.

In 2003 and 2004, I had the honor to head the U.S. delegation and to be the North American representative on the bureau for these guidelines, under the extraordinarily able leadership of Ambassador Mohamed Saieid Nouri-Naeni. For this reason, I am very familiar with the Voluntary Guidelines and the extremely fruitful dialogue among the countries that negotiated and adopted them.

As reflected in Preface paragraph 6, “[t]he objective of these Voluntary Guidelines is to provide practical guidance to States in their implementation of the progressive realization of the right to adequate food in the context of national food security in order to achieve the goals of the Plan of Action of the World Food Summit.”

As reflected in Preface paragraph 9 and elsewhere, the Voluntary Guidelines did not establish legally binding obligations for States or international organizations, nor did it adopt or promulgate any universally applicable interpretation of international law. Instead, it offered governments a cross-sectoral “tool kit” of policy, economic, administrative and legal measures that States might choose from in order to more effectively implement the progressive realization of the right to adequate food and establish long-term food security.

Thus the Voluntary Guidelines addressed a huge array of tools available for States, including guidelines on democracy; good governance; economic development policies; human rights; poverty reduction; agricultural, fisheries, and development strategies; improving markets; institutional coordination and anti-corruption measures; improving access to resources and assets; sustainable labor policies; food safety; consumer protection; nutrition; education to enable the poor to compete in the economy; targeting and assisting vulnerable groups; maintaining safety nets; effectively dealing with natural and man-made disasters; and international food aid.

I describe in this level of detail to put into context the work that the Forum will be doing over the next three days, and the fact that our discussion will address a very important, but relatively narrow, aspect of the Voluntary Guidelines. While the Voluntary Guidelines do have provisions in guidelines 3 and 7 inviting countries to consider adopting a rights-based approach to the right to food, the Guidelines expressly did not instruct states how they might accomplish this or what was the precise underlying nature of the right under international law that States might implement at the national level.

This reflected a lack of consensus on the precise nature of how States should progressively realize the right to adequate food in their domestic legal systems. My

government, for example, is not a State Party to the International Covenant on Economic, Social and Cultural Rights, so formulations of the right arising in that treaty do not apply to the United States. As the United States formally described its views at the time of the adoption of the Voluntary Guidelines, I will not repeat those views again now, but will attach them to this statement. Even among States Parties to the International Covenant on Economic, Social and Cultural Rights, however, there is currently a disagreement on whether the progressive realization of the right to adequate food imparts an individual human right that is cognizable and enforceable in domestic courts.

Because there was no underlying agreement on the scope of the progressive realization of the right to adequate food under international law, the Voluntary Guidelines simply offered the implementation of a rights-based approach as one of a large number of tools in the guidelines' tool kit and did not attempt to give specific guidance to States on how they might attempt to implement such a system at the national level.

Which brings us to our program today and a concern we have with the papers that were prepared to assist the forum and with potential outcomes emerging from this session:

Let me begin by saying that a rights-based approach, including adoption by States at the national level of an individually enforceable right to food, is one potential tool in the international tool kit for advancing the progressive development of the right to food and achieving food security. We recognize that there are a number of countries that have adopted national laws and even Constitutions that create such a domestic legal right.

This forum can provide a useful discussion of how those countries can better implement such laws and polices. Although the United States does not have such laws, we look forward to learning from the experience of countries and other experts as to how such a system can be implemented for those countries that adopt such laws.

In this context, our concern with the discussion papers prepared for the Conference is their consistent articulation of the point of view that the progressive realization of the right to food necessarily entails individual rights that are enforceable by individuals at the national level. As this is only one of several competing points of view, my delegation asks that any outcome documents from this forum -- like the guidelines themselves -- avoid an articulation of the underlying nature of the progressive realization of the right to adequate food under international law. These questions are by their nature highly controversial and would distract from the practical, results-oriented objectives that this Forum seems to be directed to achieve.

We look forward to hearing an interesting exchange of views and experiences for those countries that have decided to implement in their domestic law an enforceable human right to adequate food, and ask that this statement be included in any report and other work product emerging from the Forum.

Attachment:

“ . . . The United States believes that the issue of adequate food can only be viewed in the context of the right to a standard of living adequate for health and well-being, as set forth in the Universal Declaration of Human Rights, which includes the opportunity to secure food, clothing, housing, medical care and necessary social services. Further, the United States believes that the attainment of the right to an adequate standard of living is a goal or aspiration to be realized progressively that does not give rise to any international obligation or any domestic legal entitlement, and does not diminish the responsibilities of national governments towards their citizens. Additionally, the United States understands the right of access to food to mean the opportunity to secure food, and not guaranteed entitlement. Concerning Operative Paragraph 10, we are committed to concrete action to meet the objectives of the World Food Summit, and are concerned that sterile debate over "Voluntary Guidelines" would distract attention from the real work of reducing poverty and hunger.”