

SAFETY NETS AND THE RIGHT TO FOOD

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INTRODUCTION

1. This note explores the role that social safety nets, and more specifically food safety nets, can play in realizing the right to food. We begin by briefly presenting the concept of food security and the obligations of the State within the right to food framework. We then explore the concept of food safety nets from a rights-based perspective. We finish by providing a more technical discussion of the key criteria to take into account when choosing a particular design, and we provide a description of different kinds of programs found around the world. Particular attention is paid to the choice between a cash or food-based transfer program.

STATES' OBLIGATION TO PROVIDE FOR THE REALIZATION OF THE RIGHT TO FOOD

2. “The right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement.”¹

States must respect, protect and fulfil (facilitate and provide) the right to food. This means that States should proactively engage in activities which assure economic and physical access to adequate food. The obligation to fulfil the right to food includes an obligation to provide food directly or the means for its purchase, when individuals are unable for reasons beyond their control to provide for themselves and their families. Such circumstances include youth and old age, disability, illness and long-term unemployment. Victims of natural and man-made disasters may also be unable temporarily to provide their own food. The creation of appropriate safety nets is one way of fulfilling the obligation to provide food and achieve food security. The World Food

¹ Committee on Economic, Social and Cultural Rights, General Comment No. 12. General Comment No. 12 is an authoritative interpretation of the right to adequate food as contained in Article 11 of the International Covenant on Economic, Social and Cultural Rights to which currently 147 States are parties.

Summit defined food security as when “all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. The four pillars of food security are availability, stability of supply, access and utilization.”

SOCIAL SAFETY NETS AND FOOD SAFETY NETS

3. Social safety nets refer to cash or in-kind transfer programs which seek to reduce poverty through redistributing wealth and/or protect households against income shocks. Food safety nets are a subset of social safety nets, and aim to assure a minimum amount of food consumption and/or protect households against shocks to food consumption. Both social safety nets and food safety nets seek to assure a minimum level of well-being, a minimum level of nutrition, or help households manage risk, though often using different definitions or indicators of household or individual well being. While poverty and food insecurity are not necessarily the same phenomena, much overlap exists in terms of indicators. Social safety nets usually rely on different measures of poverty. Food safety nets may utilize these same measures or those more directly related to food insecurity.

4. Much has been written on the implementation of social safety nets.² However, food safety nets have received relatively less specific attention.³ Both social safety nets and food safety nets use similar designs and instruments, examples of which will be described later, and both are likely to have both poverty and food insecurity impacts. However, neither social safety nets nor food safety nets will “solve” hunger or poverty. Instead, both must form an integral part of a larger policy of sustainable economic development which can provide jobs and economic opportunity. This wider policy framework must serve to fulfil the other right to food obligations, namely the obligation to respect, protect and facilitate the right to food.

5. The FAO advocates a twin track approach to achieving food security and the realization of the right to food. The first track includes measures to increase production, including by small farmers, as well as improve incomes. The second track includes food safety nets, or measures to broaden food access immediately for the food insecure. Food safety nets, as well as social safety nets, should be seen as development, however, not welfare. Reducing hunger and malnutrition lead to increased productivity and resilience to shocks through increased life expectancy, improved work ability (both in terms of

² See, for example, the following web site at the World Bank (<http://www1.worldbank.org/sp/safetynets/htm>).

³ One recent exception would be Rogers and Coates (2002).

cognitive as well as physical ability) and better health. Increased individual productivity ultimately leads to greater economic growth.⁴

REQUIREMENTS OF RIGHTS-BASED SAFETY NETS

6. A rights-based social or food safety net explicitly recognizes that its purpose is to fulfil rights rather than provide discretionary charity. Such a safety net is designed and implemented with full regard for all human rights and may be closely related to the realization of other rights, such as the right to health, education, work and participation.

7. The right to food does not imply that the State must provide for each and every individual an equal amount of food. Only those unable to provide for themselves for reasons beyond their control should be thus provided for. Budgetary limitations, moreover, may mean that a State is not able to provide for everyone in need. In this case, the obligation is to move towards that goal as expeditiously as possible, using a maximum of available resources, including those available from external sources. States also have a core obligation to, at the very least, provide the minimum essential level required to be free from hunger.

8. From a rights-based perspective, the key principle that must be respected in the design and implementation of safety nets is non-discrimination. Thus, targeting must be based on objective criteria and the safety net must neither in intent nor effect be discriminatory. The experience of many countries shows that there are wide disparities in actual enjoyment of the right to food according to race, sex and caste or class. Safety nets may thus have to specifically target traditionally disadvantaged groups. It should be noted that such “positive discrimination” is not unlawful under international law as long as it does not continue beyond the achievement of equal enjoyment of rights. It is thus fully compatible with human rights to target women as main beneficiaries.

9. The process of designing and implementing safety nets should also respect participatory principles and empower intended beneficiaries, who should be explicitly recognized as stakeholders. Seeking the views of the stakeholders also increases the transparency of the process and the accountability of the duty-bearers. Ideally, the legal system should contain a right to social assistance in certain circumstances. Rights and obligations must be reasonably explicit so as to allow for prompt and effective administrative and/or judicial recourse in cases in which individuals are denied their entitlements.

⁴ For a review of the evidence on the relationship between hunger, nutrition and economic growth, see FAO, 2001.

Effective information strategies are necessary, so that individuals are aware of their rights and where they may lodge complaints.

10. Respecting human dignity in the process of providing social safety nets is essential. Care must also be made to find a balance between transparency and of protection of privacy. In some cultures it is considered shameful to receive assistance or people may for other reasons not want it to be known that they receive assistance, for instance if they are HIV/AIDS affected. On the other hand, access to information about who benefits from interventions is crucial in order to allow for public scrutiny and accountability. Recipients of social assistance should not be stigmatised as this would violate their human dignity.

THE BROADER AIMS OF SAFETY NETS

11. Given the experience with social safety nets in both developed and developing countries, as will be shown in following section, safety nets can be seen as playing a much broader role than temporary providing for the right to food, by providing fungible resources which individuals or households can invest in productive activities, whether producing their own food or pursuing some non agricultural micro enterprise.

12. It should also be noted that most, but not all, food safety nets are compatible with market systems, and in fact the injection of resources to increase demand by consumers can foster development of local markets. When food safety nets involve in-kind subsidies, they can however, have a negative impact on markets, as discussed in greater detail below. Such interventions may be appropriate, however, when local markets are not well functioning.

13. If a safety net measure has a negative impact on local markets, this might mean that, while the realization of the right to food of some might be improved, the realization of the right to food, or of other rights, of others might be decreased. Under human rights law such a measure with retrogressive effects would require the most careful consideration and would need to be fully justified by reference to the totality of human rights and in the context of the full use of the maximum available resources.⁵

14. Food safety nets, if designed properly, can constitute a valuable component of national right to food strategy based on human rights principles that defines objectives, and formulates policies and corresponding benchmarks.

⁵ See, Committee on Economic, Social and Cultural Rights, General Comment 3 The Nature of States Parties Obligations (1990), para. 9.

KEY CRITERIA FOR CHOOSING A PARTICULAR DESIGN

15. The first key question choosing a particular food safety net design is to determine the nature of food insecurity within a given area, whether national, regional or local. The nature of food insecurity will determine key aspects of programme design. The following are a number of possible aspects of food insecurity which should be considered:

> *Seasonality*

In many countries, particularly in agricultural settings where rural food markets do not function very well, or where farmers are dependent on own production for home consumption or income, food insecurity may be seasonal in nature. In this situation, typically food insecurity is greatest in those months prior to the harvest of the primary food crop. If food availability is low at planting time this can have a serious negative impact on the next harvest and trigger a downward spiral in production and consumption.

> *Disasters/emergencies*

Susceptibility to disasters or emergency situations such as floods, droughts and war can be a cause of food insecurity, but the chronically hungry are also especially vulnerable to shocks. Some emergency situations may be unforeseen, but in most countries susceptibility to different types of disaster can be assessed, as well as household ability to weather these disasters, and thus a food safety net intervention in response can be designed beforehand.

> *Lack of assets*

A key structural cause of food insecurity is the low level of productive assets to which the poor have access. Lack of assets translates into low income, an inability to invest and accumulate assets, and ultimately a lack of purchasing power. The lack of assets can cause either chronic food insecurity, through the inability to generate income or produce enough food for home consumption, or make individuals and households more susceptible to food insecurity as a result of unforeseen shocks, whether at the household level (sickness, death, loss of job) or regional or national level (weather, etc.).

> *HIV/AIDS*

The spread of HIV/AIDS throughout much of Africa and other areas of the developing world is having a particularly insidious effect on individual and household food security. The disease strips households of both their adult income earners and available household labour for agricultural production, in many cases leaving children as orphans. The epidemic has an impact on food security beyond a particular household, as the shortage of farm labour can reduce the availability of locally produced food.

> *Intra-household*

In some cases, a household as a whole may be considered food secure (in terms of the per capita availability of income or calories, or some other measure), but some members of the household may be food insecure.

Similarly a household may be considered food insecure, but in many cases it is unlikely that all household members have the same level of food insecurity. Typically women, particularly pregnant or lactating women, and small children suffer from higher levels of food insecurity, as manifested by malnutrition, for example.

> *Knowledge of food needs*

A substantial amount of under-nourishment as well as malnourishment is attributable to lack of knowledge on the part of consumers as to the amount and mix of food required for a full and productive life. In such situations, the key need is for nutrition education.

> *Geography*

Food insecurity is unlikely to be spatially distributed in a uniform manner across a country or given area. Like poverty, food insecurity is often concentrated in certain regions or communities, or among certain types of households. Knowledge of the geographical distribution of food insecurity is important for the targeting of food safety nets, as well as for the design of the intervention itself.

> *Local food markets*

The existence and functioning of local food markets is a key determinant of the design of a food safety net. The existence of food insecurity in areas with well functioning and reasonably accessible food markets suggests that the problem is one of purchasing power; that is, that the food insecure do not have enough income to purchase sufficient levels of food. In this case, programmes should be focused on improving income generating opportunities and/or providing cash-based transfers. If food markets are not well functioning, then the supply of food may be the key underlying problem, which would suggest that a programme should provide food directly, or take measures to increase market supply and the functioning of local markets.

16. The second key aspect involves defining programme objectives. Is the envisioned food safety net supposed to alleviate temporary or structural food insecurity, or both? A structural programme would focus on building up household assets, whether they be human (education and health) or productive (land and cattle, agricultural technology, small business capital), as well as public goods, such as roads, available to food insecure households, so that individuals in the long run can avoid food insecurity. A temporary programme would focus on assuring that households have a minimum level of food security immediately. This type of programme would generally consist of cash or food aid provided directly to needy households, for a specific period of time. Some interventions combine both types of programmes. Other programme objectives could include empowerment of the poor, or women specifically, or addressing specific types of food insecurity, such as malnutrition among children. However, as a general rule, the greater the number of programme objectives, the less effective or efficient a given intervention is in meeting any individual objective.

17. A third key aspect involves administrative and budgetary resources. Administrative resources determine the capacity of a given government or organization to carry out an intervention. In many LDCs administrative capacity is extremely limited due to weak government institutions and a shortage of qualified personnel. Administrative limits may thus constrain the level of complexity and the reach of a given intervention. Tight budgets obviously constrain programme design, most clearly in forcing a decision between coverage and the size of a given transfer. For a given budget, the larger the transfer (or cost) per household, the smaller the population that can be covered.

18. The fourth aspect revolves around the relative roles of different levels of government and civil society. This depends in part on the institutional history of a given country, both in terms of the administrative and budgetary distribution of responsibility, as well as the desire to correct or avoid institutional programmes, such as lack of democracy at local levels. Another important decision involves the appropriate role of civil society, both beneficiaries and non beneficiaries, in administering, verifying and evaluating the implementation of a programme.

19. This issue is related to the fifth aspect, the politics, public opinion and tradition of a given country. These factors may govern what kind of food safety net is acceptable in the eyes of public opinion, or that with which it is politically feasible to propose and implement. The type of transfer is often a particularly sensitive topic; cash transfers for example are often less politically acceptable than food stamps.

20. Sixth, programme design is also guided by the type of incentive effects that policymakers want to promote or discourage. Positive incentive effects may include increased food consumption, better nutrition behaviour or increased political participation. Negative incentive effects include working less, cheating, increased consumption of alcohol or drugs, or local political corruption.

21. Seventh and lastly, and connected to the previous issue, the preferences of the target population should be considered. Potential beneficiaries may prefer a certain kind of programme for economic, social or cultural reasons. For example, households may prefer cash because it allows greater flexibility in meeting diverse needs, and indigenous communities may resist measures targeted at the individual or household level, preferring instead community based measures. Ignoring local preferences may reduce the impact of a given intervention.

22. Beyond these key criteria, a number of other elements are important to programme design.

> *Targeting mechanism.* Most interventions are targeted towards a specific region or type of household, as budgetary and equity reasons compel

minimization of the leakage and undercoverage errors. The methodology chosen to reach that target population is a crucial decision which determines in large part the effectiveness of an intervention. Many methodologies are available (see a review in Coady, Grosh and Hoddinott, 2002), and choice depends on programme objectives and design, the availability of data, budget and the operational capacity of the implementing agency. Some programmes are considered self targeting, in that wages are so low, or requirements so high, that only the poorest households will participate. Such a self targeting scheme has other advantages and disadvantages.

- > *Choice of beneficiary.* For those programmes focusing on specific households, it is usually necessary to choose one adult as the person actually to receive the benefits of the programme. The choice of the beneficiary will depend on the programme objectives, but most cash and food-based transfer programmes now give priority to the responsible female in a household. This concept, which has become conventional wisdom in the development arena, is based on empirical evidence that females spend income differently than men. In particular, women are more likely to spend own-earned income on nutrition and children's health and education while men are more likely to allocate income under their control to tobacco and alcohol. These gender differences in the allocation of income seem to be especially relevant among poor households (see, for example, Haddad, Hoddinott and Alderman, 1997). However, among the effects of the HIV/AIDS pandemic is an increased number of child-headed households
- > *Exit criteria.* Ultimately exit criteria should be determined by the programme objectives. However, getting individuals or households off a programme is politically sensitive and often technically challenging. In some cases it is feasible for exit criteria to be determined by programme objectives. Conditional cash transfer programmes linking payments to education should terminate participation once children have reached a certain age, and temporary programmes should exit households once these households no longer need assistance. This last rule, common in the United States and Europe, is very difficult for logistical reasons to implement, even in middle income countries. Often, simple time based measures are imposed. In any case, for low income countries simple and transparent exit criteria should be established.
- > *Evaluation.* The important role that evaluation techniques should play in the selection, design, implementation and impact evaluation of food safety nets has gained increasing recognition in recent years. Evaluation techniques can serve to improve implementation and efficiency of programmes after interventions have begun, provide evidence as to the cost efficiency and impact of a specific intervention and provide information on comparison of interventions within and between policy sectors. They provide invaluable insight into the incentive structure and processes of an intervention, and as such form an essential part of policy design and of the agricultural and rural development process itself (Davis, 2003).

DESIGN OPTIONS

23. Three main types of design options for food safety nets are in use among developing countries: cash-based, food access-based and food supply-based. Cash-based programmes provide a cash transfer to beneficiary households, sometimes in return for actions taken by beneficiary households. A first type of cash-based programme is one in which there are no strings attached to the cash transfer. An example is ActionAid's distribution of cash in parts of Ghana in 1994.⁶ A second type includes conditional cash transfer programmes, which have become fashionable in the Latin America and the Caribbean region in recent years. The PROGRESA (later renamed OPORTUNIDADES) programme in Mexico (1996 to the present) is the most prominent example. Here, households receive cash conditional on certain actions, typically school attendance by children and receiving health examinations.⁷ A third type is cash for work, in which households are paid to work on public works projects. An example would be the Maharashtra Employment Guarantee Scheme (MEGS) in India which was introduced in 1973.⁸

24. Food access-based programmes seek to improve the ability of food insecure households to acquire food. These programmes are based on the presumption that food markets exist and are functioning reasonably well; that is, that the food supply curve is virtually horizontal and that an increase in demand will not lead to a substantial increase in food prices. One type of food access-based programmes involves a cash transfer, but the cash must be spent on food expenditures. This is the case of the recently launched (February, 2003) *Carta Alimentação*, a key component of the *Fome Zero* anti-hunger programme in Brazil. Households are restricted to spending the transfers only on food items, which is verified by the household providing receipts for the amount of the transfer (Presidencia da Republica, 2003). A second type of food access-based programmes includes food stamps, which have been used in a number of developed and developing countries, including Sri Lanka.⁹

25. Food supply-based programmes directly provide food or nutritional supplements to individuals or households. Some types of these programmes are based on the assumption that food markets are not well functioning;

⁶ See Buchanan-Smith, Jones and Abimbilla (1995), cited in Peppiatt, Mitchell and Holzmann (2001), for an evaluation of this programme.

⁷ See Davis (2003) for a review of conditional cash transfer programmes in Latin America and the Caribbean.

⁸ See Subbarao (2003) for a review of public works programmes.

⁹ See Castaneda (1998) and Rogers and Coates (2002) for a review of the experience of food stamp programmes in developing countries.

that is, that an increase in demand would lead to mostly inflation, or simply food is not available. This is the case of direct food aid or food for work programmes, which constitute the primary food safety net implementation of the World Food Programme. Other types of these programmes assume that some members of the household are particularly vulnerable to food insecurity or malnutrition, and thus specific directed food interventions, such as school lunches or food supplement programmes, are necessary. These types of interventions have been employed in many developing and developed countries.

26. Many food safety nets combine elements of these different options. A mix of these design options is appropriate when the causes of hunger vary across regions, households and/or individuals, necessitating a heterogeneous response, when the causes of hunger are multiple within a household, or when one programme has multiple objectives. For example, in Brazil, under the auspices of the larger *Fome Zero* programme, the *Carta Alimentação* described above is accompanied by other local development initiatives at the municipal level, including for example adult literacy, water cistern provision, school feeding, as well as programmes more regional or national in scope, including land reform and support for small-scale agriculture. Another example is the PROGRESA programme, which combines a conditional cash transfer with nutritional supplements directed towards pregnant and lactating mothers and infant children.

THE CHOICE BETWEEN CASH AND FOOD TRANSFERS

27. One of the most important decisions in designing a food safety net is between cash or food-based transfers. Both cash and food-based transfers effectively increase household income and thus the ability to acquire food. However, these programmes may have differential impacts on household food security (depending on how it is defined) and upon local markets. A cash-based transfer is appropriate when food markets work and access to food is the root cause of hunger. As discussed earlier, the food supply curve is virtually horizontal and an increase in demand will not lead to a substantial increase in food prices. A cash-based transfer should thus foster local market development, of not only foods, but other goods as well. Furthermore, unrestricted cash transfers allow poor households to invest and spend on what they consider most important. Studies have shown that even the poorest of the poor invest some portion of their transfer on self-employment or agricultural production activities.¹⁰

¹⁰ See a review in Peppiatt, Mitchell and Holzmann (2001).

28. A food access-based approach, such as food stamps or restricted cash transfers, is also appropriate when local food markets work and access to food is the root cause of hunger. This approach will also foster local market development, primarily of food goods. Food access-based approaches have the advantage of being more politically acceptable, as we discussed earlier, because food is considered a merit good. It is very difficult to argue against providing food to the hungry. Food access-based transfers also may be more difficult to divert to “undesirable” consumption (such as alcohol), which is a concern in some quarters. Food access-based transfers also have lower transaction costs than food supply-based measures, but greater than cash-based measures, as programme design seeks to force spending on food items. On the downside, the restriction from spending on non food items also limits spending on investment, the potential importance of which we describe above. Further, restricting spending may spur other negative behaviour, such as cheating or selling food stamps on the black market.

29. A food supply-based approach is fundamentally different because it is most appropriate when an insufficient supply of food is the root cause of hunger. Cash in this case simply leads to inflation if markets are not working well or worse if food is simply not available as is the case in the worst of emergencies. As above, food supply-based programmes are also politically more acceptable. Moreover it is difficult to divert to undesirable consumption. Importantly, food aid is often donated and “free” to the receiving government. Further, food is essentially the currency of the WFP, the primary promoter of food based programmes around the world. On the downside, the availability of food aid may influence the selection of a non-optimal programme from the country’s perspective. Further, as with the food access-based approach, providing in-kind food aid limits investment or savings on the part of beneficiaries and may spur other negative behaviour, such as cheating or selling the food provided as aid.

30. Which of these types of programmes has a bigger impact on reducing hunger? Studies from the US (Fraker, 1990) show that food access-based transfers, such as food stamps, had a bigger impact on food consumption than cash-based transfers, though beneficiaries preferred receiving the cash. However, the impact of conditional cash transfer programmes on food consumption varies greatly across programmes in Latin America and the Caribbean. Given the disparities in income between the poor in the US and Latin America and the Caribbean, it is reasonable to expect a much higher marginal propensity to consume out of income in the latter, and thus less of a difference between the impact of food stamps and cash-access based transfers.

31. For both kinds of transfers, some diversion from food to non food consumption is likely take place. Households receiving food stamps may purchase as a result less food with their cash income (thus substituting between the two sources of income), or sell the food stamps on the black market at a

discount. Households receiving cash income may of course spend the income as they please. For both kinds of transfers such diversion may be good or bad. Good diversion may include the purchase of agricultural implements or school clothes; alcohol is the main bad diversion.

CONCLUSIONS

32. Social and food safety nets serve as a method by which States may fulfil their obligation to provide for the implementation of the right to food of those that, for reasons beyond their control, cannot provide for it themselves. Social and food safety nets play a key role in fighting transitory and chronic hunger, including reducing the gravity of food emergencies, and thus in assuring the right to food. As all human rights are interdependent and interrelated, safety nets must be designed and implemented with due regard of other human rights, in particular other economic, social and cultural as well as political rights, and to the principle of non-discrimination. If adequately designed, safety nets can make an important contribution to poverty reduction and development through linkages with health, education and local economic activities. Given their important role in increasing productivity and thus economic growth, food safety nets should be thus considered investment and a contribution to long term development, not just welfare.

33. While conceptually the idea of a food safety net is straightforward, the formulation, design and implementation are complex. As we have described in this paper, many design possibilities exist. No specific programme design is better, *a priori*. A particular design should depend on local objectives and conditions. As such, design should be driven by the needs and circumstances of a particular country or region, and the views of the beneficiaries, rather than the needs and priorities of donor countries and agencies.

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IMPLEMENTING THE RIGHT TO ADEQUATE FOOD: THE OUTCOME OF SIX CASE STUDIES

8

A. INTRODUCTION

1. How can the human right to adequate food be implemented at the country level? This is the basic question that this paper sets out to explore. It is based on case studies on implementing the right to food in five countries and a meeting, held from 16-18 February 2004, in which these case studies were discussed.
2. The case studies seek to gather information about practical in-country experiences with different policies, programmes and mechanisms including legal frameworks, institutions and processes that are conducive to the realization of the right to adequate food of the population. In each case, shortcomings of current policies and practices are also covered in order to draw lessons from these. Compilation of such information through in-country case studies is intended to expand understanding of the progressive realization of the right to adequate food in the context of national food security.
3. A number of developing countries, as well as a member country of the Organisation for Economic Co-operation and Development (OECD), were selected for the case studies because of their experience in seeking to pursue a right-to-food approach to national food security. The countries selected were: Brazil, Canada, India, South Africa and Uganda. A separate study was undertaken of the Indian State of Orissa.
4. The case studies attempt to assess i) the extent to which a rights-based approach has been applied in activities related to food security; ii) how the implementation of this approach can be improved; iii) the extent to which the

country's experience is replicable; and iv) whether practical lessons can be learnt that can be used as input for the formulation of the Voluntary Guidelines.¹

5. The case studies and the meeting focused on four major areas related to implementing the Right to Food: Food as a Human Right; the Policy Framework; the Legal Framework; and the Institutional Framework. In addition, a number of key issues related to operationalizing the right to food at the country level were examined. As annexes to this report, individual case studies (in English only) are available from the Food and Agriculture Organization of the UN (FAO), on request. They can also be obtained from the FAO website at www.fao.org/righttofood.

B. FOOD AS A HUMAN RIGHT

6. The right to adequate food and to be free from hunger is firmly established in international law, including the 1948 Universal Declaration of Human Rights (Article 25.1), the 1966 International Covenant on Economic, Social and Cultural Rights (Article 11.1 and 2) and the 1989 Convention on the Rights of the Child (Article 24.1). By ratifying these legal instruments, States recognize the obligation to *respect, protect and fulfil* (meaning to *facilitate* and - as a matter of last recourse - *provide for*) the progressive realization of the rights contained therein, including the right to adequate food. The right to adequate food is realized “when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement”, as defined in General Comment 12, an authoritative legal interpretation of this right.²

7. The country case studies are based on this internationally accepted understanding of the right to be adequate food. The studies also highlighted a number of common characteristics of a rights-base approach to food security, as follows.

¹ The Voluntary Guidelines are in the process of being developed by an Intergovernmental Working Group (IGWG) established by the FAO Council, following the World Food Summit: five years later. The guidelines are intended to support efforts to achieve the progressive realization of the right to adequate food in the context of national food security.

² General Comment 12 was issued by the UN Committee on Economic, Social and Cultural Rights, the treaty body of the International Covenant on Economic, Social and Cultural Rights (ICESCR), in response to a recommendation by the 1966 World Food Summit to clarify the content of the right to food and ways of its implementation. It defines in detail the normative content of the right to adequate food, deals with State Party obligations and lays down the general criteria for implementing this right.

8. A rights-based approach to food security emphasizes the satisfaction of people's basic needs as a matter of right, rather than of benevolence. In this approach, people hold their governments accountable and are participants in the process of human development, rather than passive recipients. A rights-based approach is not only concerned with the final outcome of abolishing hunger, but also with ways and tools by which that goal can be achieved. Application of human rights principles is integral to the process. Key human rights principles in policy making and implementation include: accountability, non-discrimination, transparency, empowerment and participation. An independent judiciary is also crucial for the effective protection of human rights at the national level.
9. A rights-based approach empowers rights holders by enabling them to become active participants in realizing the right to food. Such an approach requires accountability from all actors in the process of realizing the right to food. This may be achieved through legal, administrative, or political mechanisms. Rights holders, whether individuals, or groups under certain circumstances, can claim the respect, protection and fulfilment of their rights from their governments.

C. POLICY FRAMEWORK

An enabling policy environment

10. The importance of an enabling policy environment to achieve the right to adequate food is stressed in all the case studies. Although the countries studied have a variety of policies on food, there are some commonalities and lessons to be learnt as to what constitutes an enabling policy environment for the right to adequate food.
11. Public policies considered from a human rights perspective translate into a development approach in which the obligation to achieve universal human rights for all is the starting point. This in turn calls for a focus on those whose rights are not fully realized, and their participation in formulating, implementing and evaluating policies, rather than a top-down approach.
12. Public policy that recognizes the principle of indivisibility and interrelatedness of all human rights views the right to food as related to other rights, such as the right to water, health, work, housing, and other economic, social and cultural rights, as well as to civil and political rights, such as freedom of assembly, information and association. It also recognizes the over-arching right of non-discrimination. When public policy is based on the inseparability of human rights, one right cannot be used to the detriment of other rights.

Centrality of human rights

13. Policy makers at the international level and in the countries covered by the case studies, are increasingly aware and accepting of the centrality of human rights to development and of the significance of a rights-based approach to food and nutrition security.

14. In South Africa, for instance, the right to food is enshrined in the Constitution and the South African Human Rights Commission (SARHC) is mandated to monitor the implementation of this right. Brazil is in the process of building an institutional structure that incorporates a vision of human rights, including the right to food among the principal objectives of the country's food security policy of Zero Hunger (*Fome Zero*). The Indian Constitution is construed as protecting the right to food as an integral part of the right to life. And in Uganda, measures to restore and promote constitutionalism, democracy, human rights, peace and stability, and efforts to advance decentralized, participatory governance are helping the emergence of an enabling political, social and economic environment for the right to food. An international environment supportive of human rights has played a significant role in this.

Integrated and coordinated national plans

15. The development of an overarching and integrated food security policy based on human rights principles is central to the achievement of the right to adequate food at country level. An essential starting point of such policy is a thorough socio-economic analysis of the people whose right to food is violated or not realized, where they are located, and why they are vulnerable.

16. South Africa has a number of integrated policies, including an Integrated Rural Development Strategy (ISRDS), an Integrated Nutrition Programme, and an Integrated Food Security Strategy (IFSS). This strategy sets out the aims of the World Food Summit Declaration and Plan of Action and the Millennium Development Goals to halve hunger by 2015 and supports the Integrated Sustainable Rural Development Strategy (ISRDS). The IFSS calls for a cross-departmental and cross-sectoral management structure. It represents the most coherent departmental statement on food security policy in South Africa to date and reflects a rights-based approach to addressing food insecurity, although the cross-sectoral parts of the strategy still need further articulation.

17. Another example is the Food and Nutrition Policy (FNP) in Uganda. The FNP is the first Ugandan socio-economic policy which – while not explicitly framed within a human rights dimension – calls for a rights-based approach to its implementation. This is to be assured by a strategic action and investment plan.

18. Experiences from the countries also show that, for optimal effectiveness, national right to food and food security plans should reach across governmental departments, including finance and justice.

19. A highly decentralized federal state such as Canada presents complex issues of governance in terms of achieving priority attention for food security, the development and implementation of an integrated food and nutrition policy, and an adequate and secure social safety net informed by the human right to adequate food. As a result, Canadian food policy tends to be fragmented, despite a food security policy formulated in the follow-up to the World Food Summit, which recognizes the right to adequate food.

20. Such fragmentation could be overcome by developing an integrated national food and nutrition policy and a national action strategy with the goal of the optimal nourishment of the population. Such a national action plan would include the full participation of the relevant ministries, including federal and provincial justice departments, and representatives of civil society and the food industry. Ideally, the plan would set benchmarks, targets, time frames and accountability. It would also need to be costed and have appropriate funding mechanisms in place.

21. Social policy has tended to be fragmented also in Brazil. However, the Zero Hunger Programme is making a major effort towards better institutional coordination. Direct income transfer programmes are being unified under the *Bolsa Familia* programmes, under which low-income families are eligible for the monthly benefits of various programmes, on a case by case basis. One of its main programmes, the *cartao alimentacao* (food card) diverges from traditional policies of supplying basic food baskets to fight hunger, by linking consumers with low-purchasing power and small-holder food producers. The programmes will be decentralized, with state and municipal government playing an active role.

22. While coordination has its advantages, the case studies generally showed that decentralized control over right to food programmes, which encourages citizens' participation in decision making and provides for greater exercise of their rights and obligations, tends to reduce corruption. There were examples where misuse of public funds was contained through control either by central government or NGOs.

23. In Uganda central policy making, programme design, implementation, monitoring and evaluation is based on wide-ranging stakeholder consultations, including the private sector, civil society and other development partners within a framework of decentralized government.

Balancing the components of food security

24. It is not always easy for food policies to balance the four components of food security: availability, stability, access and utilization. Until recently, the food security policies of South Africa and India, for instance, may have over-emphasized the availability of food by concentrating on increased food production for national self-sufficiency without paying sufficient attention to other factors hindering people's access to food.

25. In India, food policies since the 1960s have aimed at boosting food and agricultural production while attempting to ensure access by the poor to a minimum quantity of food grains through the public distribution system. The growth strategy in agriculture has emphasized subsidies to inputs such as power, water and fertilizer. Private capital has grown at a fast pace, particularly in the Green Revolution regions that experienced rapid agricultural growth. This has been accompanied by meagre investment in rural roads, irrigation and rural power.

26. The Government of India's National Agricultural Policy (2000) and related programmes have attempted to remedy these shortcomings by developing a regionally differentiated strategy for infrastructural development, based on agro-climatic conditions and natural resources as well as more effective mechanisms for the operation of a decentralised food procurement policy.

27. South Africa's current food security policies, in contrast to the policies of national self-sufficiency of the apartheid regime, recognize that sufficient food production and food availability at national level is not the only requirement for food security. Other factors such as the failure of livelihoods to guarantee access to sufficient food, may contribute to food insecurity despite national food sufficiency. This points to the importance of enabling people to feed themselves, and, where this is not possible, to put into place strategies, plans and programmes to address food insecurity.

Balancing economic growth with the right to food

28. Planning is required to balance economic growth and trade policies with right to food policies. This can be illustrated in Uganda, which has a policy environment broadly oriented towards pro-poor development objectives. The principal development policy framework, the Poverty Eradication Action Plan (PEAP), seeks to balance economic growth with poverty reduction objectives; however, to date, more attention has been paid to the growth pillar than to targeted interventions or redistribution. The Plan for Modernization of Agriculture and the Food and Nutrition Policy (FNP), both of which have food and nutrition security as a major objective, seek to redress this imbalance.

29. While economic growth and pro-poor development policies can be complementary, under certain circumstances, economic growth policies can jeopardize the realization of the right to food for some. In Uganda, for example, the Government's drive to promote foreign investment to stimulate economic growth, has allegedly threatened, in some cases, to deprive small-holder farmers of land their key source of food and livelihood.

30. Policies for promoting privatization of social services, such as agricultural extension, need public regulation so that they do not impact negatively on the right to food. In Uganda, for instance, agricultural extension has been renamed the agricultural advisory services with a simultaneous shift towards private service provision. Farmer groups are expected to articulate their needs, and demand and receive service from private service providers. Care will have to be taken to ensure that small-holder farmers can access and afford these services.

The nexus between food insecurity and inequalities

31. Non-discrimination and substantive equality are fundamental principles to be promoted in rights-based food security policies. Equitable access to resources and assets such as natural resources, including land, is very important for the right to food in rural areas. This can be seen in South Africa where land dispossession was a key feature of colonialism and apartheid. It has remained a critical and often contentious issue in the new democratic dispensation. Many people in the former homelands lack secure tenure rights or legal title to land they have inhabited and worked on for generations. This is a direct legacy of colonial dispossession, racist legislation and communal tenure. The result is a vicious cycle in which rural communities remain desperately poor, partly because they cannot use their only asset as collateral, for example to finance a modest cash-crop enterprise. Since the establishment of democracy in South Africa, a number of laws and policies have been adopted in an attempt to re-balance land ownership and protect tenure rights.

32. Brazil also has a legacy of unequal access to land that is proving difficult to redress despite efforts by the National Institute of Land Settlement and Reform, which was instrumental in settling 372 866 families between 1995 and 1999. The need for accelerated land reform has been emphasized by the United Nations Special Rapporteur for the Right to Food, and is promoted by the National Programme for the Promotion of Family Agriculture (PRONAF) and social organizations such as the Landless Workers' Movement (*Movimento dos Trabalhadores Rurais Sem Terra*).

33. Lessons learnt in Brazil show the need to develop public policies that encourage the economic improvement of the most vulnerable groups

including improved access to land and credit, and to tailor them to the particular needs and circumstances of vulnerable groups so that the needed resources can be channelled to them efficiently and effectively. As in many countries, however, policies to guarantee the right to food for the most vulnerable groups have not always succeeded.

34. While economic growth is central to achieving food security, social transfers are also needed to realize human rights. For example, even in a food secure country such as Canada that has been at the top of country rankings for the Human Development Index (HDI), economic growth policies have not completely ensured the right to food for its most vulnerable citizens. Structural changes and tight fiscal discipline in the nineties, are said to be at the root of deterioration in social services, which in turn has led to more reliance on private benevolence, such as food banks.

35. The core principle of the Integrated Food Security Strategy in South Africa is that food security should be addressed by ensuring that the target population gains access to productive resources and is empowered to obtain nutritious and safe food. Where a segment of the population is unable to gain access to productive resources, food security interventions will ensure access to income and job opportunities to enhance purchasing power. Finally, any segment of the target population that is still excluded as a result of disability or extreme destitution will receive relief from the State.

36. A rights-based approach to food requires that food is accessible to all. When people cannot provide food for themselves by their own means, plans or programmes need to be put in place to address their inability to access adequate food. Only when there are not enough resources to do this, or concrete means are lacking, should a strategy of targeting benefits primarily to the poorest families be followed. Even then, the goal should be to make the strategy universal in the medium term so that it reaches all the food insecure and vulnerable and not just the poorest.

37. In South Africa, for example, not everyone who is entitled to social security receives it, for lack of registration, information and other access problems. In addition, there are destitute persons who do not qualify for any assistance; i.e. if they are not old, young, disabled or sick enough for social security. The Basic Income Grant (BIG) Campaign has been launched by a group of NGOs in response to this shortcoming. The BIG Campaign argues that an entitlement for every single individual to a small monthly stipend would solve the problem of under-targeting and lack of registration, and allow individuals to use their energies productively. The grant would be recuperated through the tax system from those earning more than a certain minimum.

D. LEGAL FRAMEWORK

38. The right of everyone to adequate food enjoys some degree of legal protection in each of the countries studied. This legal protection takes different forms, but each country has some way in which individuals and, in some cases, groups can claim adequate food as a right, rather than as a matter of benevolence.

Constitutional protections

39. In some countries the right to food is written directly into the constitution, while in others the courts have interpreted the constitution as protecting the right to food. Different countries also have different types of legislation that protect the right and various legal mechanisms by which individuals and/or groups can claim it. In some countries the right is justiciable; i.e. claims brought to State authorities are enforceable by the courts. The constitutional protections and legislation of the countries studied are described below.

Justiciability of rights means that the courts can enforce the rights. The concept of justiciability of rights is not new. The Universal Declaration of Human Rights of 1948 calls for judicial remedies. Article 8 states that “everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law”. In a broader sense, justiciability could be understood as having access to an “effective remedy” of a legislative, administrative or judicial nature. This is the concept of effective remedy under the International Covenant on Civil and Political Rights (Article 2.3).

40. A legal basis for the right to food can be found in the constitutions of several of the countries examined by the case studies. This is strongest in South Africa whose Constitution directly makes provision for the right to food with three explicit references. It i) requires the State to take reasonable legislative and other measures, within its available resources, to progressively realize everyone’s right to access to sufficient food and water; ii) provides the right for every child to basic nutrition, shelter, basic health care services and social services; and iii) makes provision for every detained person and sentenced prisoner to have adequate nutrition.

41. The Constitution of South Africa also states that “the Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state” (section 8); and imposes the obligations on the State to respect, protect, promote and fulfil the provisions of the Bill of Rights. These detailed constitutional provisions provide an enabling environment for the progressive realization of the right to food and can be invoked in a court of law.

42. Even without such a strong constitutional framework with a clear justiciable right to food, support for this right and for its justiciability can be found in the constitutions of other countries.

43. A legal basis for the right to adequate food is present in the Constitution of Brazil, which contains several provisions that either directly or indirectly require the State to respect, protect and fulfil citizens' right to food. The 1998 Constitution established a nationally uniform minimum wage "capable of providing for the basic vital needs of housing, food, education, health" among others (art. 7). It stated that the family, society, and State had the duty "to guarantee the child and adolescent the right to life, health, food, education...." (art. 227). In 2003, a constitutional reform included the right to food as being a part of social rights for every citizen. The new text reads: "As defined by this Constitution, social rights include education, health, food, work, housing...."(art. 6)

44. Although the 1995 Constitution of Uganda does not recognize adequate food as a fundamental, justiciable right, it does protect and promote "fundamental and other human rights and freedoms", and stipulates that these "shall be respected, upheld and promoted by all organs and agencies of Government and by all persons". It also stipulates that the "State shall endeavour to fulfil fundamental rights of all Ugandans to social justice and economic development" and specifically refers to food security, adequate food and proper nutrition to which the State shall ensure access.

45. The Constitution of India distinguishes between: i) fundamental rights, which are primarily civil and political, and which are justiciable; and ii) social, economic and cultural rights, which are not. However, the right to life (a fundamental right) has, over the years, come to be interpreted as encompassing the social, economic and cultural rights contained in the Constitution as Directive Principles of State.

46. While the right to food is not explicitly written into the Constitution of Canada, the Charter of Rights and Freedoms (1982), as interpreted by the Supreme Court of Canada, does protect internationally recognized economic, social and cultural rights. The Supreme Court has also recognized the rights of Aboriginal peoples to traditional food gathering.

47. Irrespective of the existence of constitutional protection of the right to food, States that have ratified the relevant international human rights instruments accept to incorporate this and other human rights in national law.

Case law and justiciability

48. A constitutional framework that can be interpreted to protect the right to food provides a basis for legal provisions that promote the progressive

realization of the right to food, as well as a yardstick against which legislation and policies can be measured.

49. In India, for instance, the Supreme Court has issued a number of Interim Orders in a Public Interest Litigation (PIL) case of which the central premise is that the right to food flows from the right to life guaranteed in the Article 21 of the Constitution. This case is awaiting final judgment.

50. Another effect of the Interim Orders has been to transform provisions of various schemes and programmes established by the Indian states and the central Government to the status of a legal entitlement for the populations concerned. These orders have i) stressed the utmost importance of provision of food to aged, infirm, disabled, destitute women and men, pregnant and lactating women and destitute children, especially when they or their family members do not have sufficient funds to provide food for them; ii) given direction to the States to see that all the public distribution system (PDS) shops are functioning; iii) ordered the States to implement food-for-work programmes in all scarcity areas; and iv) ordered implementation of the food based schemes, including mid-day meals in schools.

51. Elements of the right to food can also be found in federal and provincial laws of Canada, and in policies on agriculture, food safety, nutrition and health and the welfare state. Notably, in 2002, Quebec passed an Act to Combat Poverty and Social Exclusion, which commits the government to: “facilitating dignified access, for persons living in poverty, to a food supply that is both sufficient and nutritious, at reasonable costs...” (2002, c. 61, s. 9). Canada’s Action Plan for Food Security (1998) recognizes the links between poverty and domestic food insecurity.

52. On the legislative front in Uganda, a bill is being drafted for adoption by Parliament, which would provide the legal framework for the rights-based implementation of the Food and Nutrition Policy, with its action and investment plan and related institutional arrangements.

53. The Parliament of South Africa has conducted public hearings on food security and called on the Government to submit a Food Security Bill, which has been drafted by Government, but not yet submitted. Such a Bill would have to pass constitutional muster. On the other hand, the Government could also be held accountable under the Constitution for failing to take legislative action.

Beyond legislation

54. Legal and constitutional recognition of the right to food is important but not sufficient to ensure its implementation, even if it is a justiciable right. Other elements need to be in place, including the rule of law, good governance, accountability, and people’s participation.

55. Efficient, accessible and workable legal mechanisms for claiming the right to adequate food are needed. An example of a potential legal mechanism can be found in Brazil in the public civil suit. This is the most important judicial instrument in Brazil for protecting rights. It not only protects individuals' rights, but makes it possible to enforce collective rights, including the right to food. Although individual persons cannot request a public civil suit, it can be claimed by a state or municipality, an NGO, a public or mixed enterprise or directly through a government ministry. The public civil suit has been used in connection with a wide range of social rights, including health, environmental and consumers' rights. Although it has not yet been used for the right to food, the public civil suit has the potential to be used to protect this right.

56. An independent judiciary capable of exercising its responsibility is also crucial in guaranteeing the right to food. This may require reform of the judiciary. Because of their particular historical and socio-economic situations, South Africa and Brazil, for example, need to redress racial and gender imbalances in the judiciary at all levels.

57. Training of judges and lawyers on human rights, the right to food and international conventions and increased exchanges with national and international human rights organizations may also be needed. The country case study on Brazil noted that Brazilian judges need greater knowledge of human rights norms and the obligations of the judiciary at the international level. This is also generally the case in other judiciary systems in the world.

58. All three spheres of government - executive, legislative and judicial - should be clear as to their obligations to respect, protect and fulfil the right to adequate food. The South African Constitution is very clear on the responsibility of each of the main branches. In Brazil, on the other hand, the awareness of the judiciary of its obligation to protect the economic rights of the most vulnerable is not clear. Judges generally consider dealing with the vulnerability of particular social groups to be the exclusive province of public policy. Hence compliance with international treaties and programmatic norms is considered to be an activity proper to the executive branch. Canadian courts have been reluctant to recognize economic and social rights under the Canadian Charter of Rights and Freedoms.

National human rights institutions and mechanisms

59. National human rights institutions also have a prime role to play in monitoring the implementation of the right to food, as well as in receiving complaints from groups and individuals. Several countries have human rights commissions or similar mechanisms that play important roles in ensuring the right of everyone to adequate food. National human rights organizations are most effective when they are fully autonomous and have authority to issue recommendations.

60. The South African Human Rights Commission (SAHRC) is a constitutionally entrenched body mandated to promote respect for, and to monitor and assess the observance of human rights. Its functions are elaborated in the South African Human Rights Commission Act. This Act makes provision for the Commission to litigate on behalf of a group or person and to advise the State on rights-related legislation. The Commission has a broad mandate that covers the full range of human rights issues and recognizes the universality, interdependence, interrelatedness, and indivisibility of human rights. It is an independent and impartial body that reports directly to Parliament, and is established in accordance with the Paris Principles.

PARIS PRINCIPLES

The Paris Principles were developed in 1991 at a meeting in Paris of human rights institutions. These principles, subsequently endorsed by the UN Commission on Human Rights and the UN General Assembly, have become the foundation and reference point for the establishment and operation of national human rights institutions. The key criteria of the Paris Principles are: independence guaranteed by statute or constitution; autonomy from government; pluralism, including in membership; a broad mandate based on universal human rights standards; adequate powers of investigation; and sufficient resources.

61. The SAHRC has a specific responsibility to monitor the progressive realization of the economic, social and cultural rights recognized in the Constitution. To this effect, it has developed a number of questionnaires or “protocols”, to which the different governmental departments are bound to respond. The SAHRC has recommended, among other things, the development of a legislative framework on the right to food. The Constitutional Court also requested the SAHRC to monitor implementation of its landmark judgment in a case on the interpretation of the right to adequate housing.

62. Brazil has a Special Secretariat for Human Rights, which, however, lacks the full autonomy and pluralism required by the Paris Principles. This weakness has been partially compensated for by the *Ministerio Público*, an autonomous governmental body for the defence of individual and collective rights. Operating at both the federal and state levels, the *Ministerio Público* is currently the most important institution in Brazil that assists citizens to obtain legal protection. This institution is able to initiate inquiries into violations of basic rights and to issue recommendations to the Government. It has acted in connection with the right to food, particularly regarding malnutrition among children and indigenous groups and in connection with the National School Food Programme. This body is also intended to guarantee participation of the beneficiaries of policies

and programmes; to cooperate with NGOs in promoting human rights; and to create new fora for coordination and consensus building.

63. Recently, the Brazilian Department of Justice, in collaboration with NGOs, established the position of a national rapporteur on the right to food, water and rural land, whose function it is to monitor the realization of these rights. This was the initiative of the Economic, Social and Cultural Human Rights Platform - Brazil, a national network of civil society organizations (CSOs) and was based on the model of the United Nations special rapporteurs.

64. Uganda has an independent constitutional body, the Uganda Human Rights Commission (UNHRC). This Commission has brought the issue of the right to food before the Government's Constitutional Review Commission, suggesting that the right to adequate food be given the status of a fundamental, justiciable right. It also was one of the key organizers of a national seminar on the right to food held in 2003. The success of the UHRC can be explained both by its constitutional mandate and its application by a proactive group of commissioners and staff. Their advocacy has found positive resonance among key decision makers and is taking roots among a broader spectrum of stakeholders.

65. The National Human Rights Commission (NHRC) of India is also an independent and autonomous body. Over more than a decade, the Supreme Court of India and the National Human Rights Commission have been parties to a civil society debate that has led to a substantive transformation of the perspective of benevolence into a perspective of human rights. Prompted by a civil society submission concerning the situation of the right to food in the State of Orissa, the NHRC has been instrumental in gaining recognition that destitution and chronic distress, rather than mortality alone, are proof of starvation; and that starvation constitutes a gross denial and violation of the fundamental right to be free from hunger.

66. The Supreme Court of India has appointed two commissioners to look into persisting grievances regarding violations of rights that are not amenable to established procedures of redress. It is obligatory for the State Governments to provide information that the commissioners require. The latter have been empowered to recommend a course of action to the Governments to ensure compliance of the directions of the Court.

Role of civil society

67. The country studies showed that civil society can play a crucial role in putting pressure on all spheres of government, as well as assist vulnerable groups to empower themselves to claim their rights and improve their access to recourse mechanisms, including the courts.

68. In South Africa, for example, the Treatment Action Campaign (TAC), a broad social movement, brought a case relating to socio-economic rights and in particular the right to health care to the South African Supreme Court and was instrumental in shaping the Government's decision to act.

69. In India, the People's Union for Civil Liberties (PUCL) filed a case regarding the right to food in Rajasthan. The pressure brought to bear on central and State Governments by non-governmental organizations in this Public Interest Litigation has had results in many states, but in others the Interim Orders of the Supreme Court have been partly or totally ignored. On the other hand, it must be acknowledged that India is a vast country and many of its states are very resource poor. This clearly points also to the need to examine the federal level organization and funding of social programmes.

E. INSTITUTIONAL FRAMEWORK

Allocation of responsibilities, coordination and accountability

70. Implementing right to food policy and legal frameworks requires effective institutions at all levels. The cross-sectoral nature of the right to food requires efforts of coordination across government ministries and offices at the national, sub-national and local levels. Clarifying the allocation of roles and responsibilities between the different sectors and levels of government leads to better accountability and more effective action.

71. In Brazil the right to food is the guiding principle of the country's food security policy, *Fome Zero*. It is institutionally enshrined in the new Ministry for Social Justice that incorporates the former Special Ministry for Food Security and Combating Hunger (MESA) as a secretariat in the new ministry. Another cornerstone of the institutionalization of the right to food approach in Brazil is the re-creation of the National Food Security Council (CONSEA) as a forum for civil society participation.

72. A beginning has been made in Uganda to establish institutional arrangements for overseeing a rights-based approach to food security. The new Food and Nutrition Council has been tasked with coordinating and joining the forces of duty bearers and rights holders.

73. Accountability is central to an effective institutional framework for the implementation of the right to food. The State must establish mechanisms to ensure the accountability of those who are responsible for the implementation of this right.

74. In South Africa, the Government has proposed the establishment of food security officers at the local level who would report to the “cluster” of social sector ministries. The draft Food Security Bill also foresees the establishment of a Food Security Council which would play a pivotal role in policy coordination.

Changing from benevolence to a rights-based approach

75. In Canada, according to the case study, benevolent approaches to meet the food needs of hungry people in the form of charitable food banks have become institutionalized over the past twenty years and have, at least partially, relieved the State (federal, provincial and territorial governments) of its obligations to respect, protect and fulfil the right to food through ensuring adequate social security entitlements. Demands on food banks continue to grow. Institutional measures would be required to revert to a rights-based approach.

Implementation strategies

76. An important lesson learnt from the case studies is that right to food policy needs to be accompanied by an implementation strategy with clear, quantified targets and benchmarks, as well as the allocation of institutional responsibilities and accountability. Furthermore, implementation needs to be monitored and evaluated according to rights-based indicators.

77. A useful starting point would be a national audit of all policies, programmes and other initiatives geared towards the realization of the right to access adequate food in order to help identify which existing elements are working and why, as well as to provide a basis for corrective action.

F. OPERATIONALIZING THE RIGHT TO FOOD: SOME KEY ISSUES

Awareness building and education

78. Awareness building is key to operationalize the right to food. Citizens must be aware of their rights while public servants must be instilled with a clear consciousness of obligation. This is possible only through appropriate policies on information and education that also encourage people to utilize their rights.

79. In South Africa, one of the functions of the South African Human Right Commission is to develop an awareness of human rights among the people of South Africa. In Brazil the National Rapporteur’s Office for the Right to Food, Water, and Rural Land conducts research on the exercise of the different rights, and writes national reports, aimed especially at policy

makers. A national seminar in Uganda, sponsored by the International Project on the Right to Food in Development (IPRFD), played a significant role in awareness building in the country. The NGO Right to Food Movement in India has organized a number of events, including public hearings in which persons suffering from hunger have told their stories.

80. Awareness building is needed at all levels, including that of the media and the voluntary and the corporate sectors to counterbalance the tendency among some in these sectors to consider hunger and food poverty as a matter of charity and not as a political issue of social justice and human rights.

81. Awareness building can be institutionalized in the educational system through inclusion of nutrition and basic human rights education in primary and secondary school curricula and in relevant higher education curricula; e.g. professional education: agricultural, health, nutritional and environmental sciences and business, education, law, social work and social policy. Civil servants who are responsible for implementing the right to food could benefit from in-service training. Community education, especially geared towards vulnerable groups is another way to contribute to the improvement of food and nutrition security at the local level.

82. In South Africa, a number of universities and academic institutions conduct research on food insecurity and vulnerability, including the University of Natal, which offers post-graduate courses in food security. Other research institutions include the Community Law Centre of the University of Western Cape and the Centre for Human Rights of the University of Pretoria which both focus on the right to food in their academic research.

Capacity building

83. All the case studies showed that there is a critical need to build capacity, as well as to raise awareness, to ensure that policies are implemented. Duty bearers and rights holders often lack the capacity to use the instruments available for the realization of the right to adequate food. Capacity development using a rights framework requires targeting both rights holders and duty bearers. It should be directed at communities and households as well as to those in the public and private sphere.

Identifying the vulnerable and targeting benefits

84. An overriding challenge that emerges from the country experiences is inadequate attention to identifying those whose right to food is not realized. No matter how much emphasis is given in the overall policy environment to reduce poverty and food and nutrition insecurity, mechanisms to identify the food insecure and to understand the reasons for their vulnerability are needed.

85. Implementation plans are generally vague in defining target groups or the vulnerable in sufficient detail to be operationally relevant. This is not so much a question of technical obstacles linked to data and analytical capacities as it is a question of a fundamental approach to development. Strategies and action plans must be based on a thorough socio-economic assessment of different groups of people, in order for national food security plans to identify the food insecure and vulnerable groups. Vulnerability mapping can be useful in this regard. A human rights approach, through its constant concern with those whose right is not realized or violated and why, is a powerful tool to sharpen the focus on people.

86. In identifying vulnerable groups, there is a need to address those with HIV/AIDS and other chronic diseases so that holistic food and nutrition plans can be developed for and with people living with these diseases.

Monitoring and Indicators

87. Indicators for the progressive realization of the right to adequate food would make it possible to measure the extent to which policy, legal and institutional frameworks are effective. An initial step in formulating such indicators and benchmarks is coming to a common understanding and consensus of rights-based indicators and benchmarks. Process indicators are needed, as well as progress indicators, in order to measure effectiveness of elements such as legal mechanisms, judiciary reform, and the participation of CSOs.

88. In South Africa, the judiciary has provided invaluable guidance on what progressive realization of some of the economic and social rights entail. However, commonly understood indicators of progress in service delivery are still needed, and the State needs to set clearer goals and objectives. The setting of targets with clear deliverables is key and should be done in consultation with vulnerable groups. This would assist the South Africa Human Rights Commission which is tasked to monitor the progressive realization of these economic and social rights by organs of State.

89. The administration of programmes aimed at the progressive realization of the right to food could be improved by involving the stakeholders in monitoring and designing projects. Indicators for assessing public participation, budgetary practices and effective implementation are required for this.

Role of civil society

90. There is a growing recognition of the importance of a participatory approach and the inclusion of civil society in designing and implementing food-based schemes. The case studies revealed that civil society plays significant roles in operationalizing the right to food in many countries. Community based organizations and NGOs are at times more successful than central or

state administered programmes in reaching the poor. Civil society also plays a significant role in monitoring the implementation of the right to food in several of the countries examined.

91. Civil society organizations have played an essential role in promoting the human right to food in Brazil. One of the most important initiatives was the creation of the Brazilian Food and Nutrition Security Forum (*Fórum Brasileiro de Segurança Alimentar e Nutricional*, or FBSAN) in 1998. This is a network of organizations, social movements, individuals, and institutions now comprising over 100 organizations with representation in all of the country's states. The overwhelming importance of the civil society movement was obvious in the beginning of Luiz Inácio Lula da Silva's presidency as the majority of CSOs and NGOs backed his food security programme known as Zero Hunger (*Fome Zero*).

92. One of the most important efforts to create a system for monitoring the realization of social rights has emerged from a group of prosecutors in the federal *Ministerio Publico* who have shown interest in publicizing and promoting the right to food, as well as in influencing public policy in this area. As a result, 26 federal prosecutors, in collaboration with a number of social organizations, created a public civil inquiry to monitor public policy and funding designed to realize the right to food.

93. In India, 2001 witnessed a major landmark in terms of people's awareness of and participation in anti-poverty programmes, particularly regarding distribution of food to the needy. Following monsoon failure for the third successive year and the incapacity of several state Governments to provide food to poor drought-affected people, a number of NGOs and public spirited citizens launched the people's Right to Food Movement in India. This movement has spread in many states, particularly those with a high concentration of poverty and starvation. The movement has created an awareness of legal entitlements among disempowered citizens and has also helped to improve accountability in the official machinery and local power structures dealing with social programmes.

94. Civil society across Canada plays an important role in advancing the priority of food security and the debate about the human right to food. However, despite a recommendation by the National Action Plan that the sector also perform a national monitoring function, it is financially too weak to do this. Civil society organizations are more prominent at provincial and local levels where they advance the right to food and food security through the activities of charitable food networks, alternative community food projects, voluntary-cooperative-public partnerships, food security networks, farm organizations, and food policy councils, as well as conduct research, public education and policy advocacy.

G. CONCLUSIONS

95. Human Rights are above all about empowerment and accountability. A rights-based approach shifts the focus from technocratic to political solutions and to greater equality in power relations and wealth/income distribution. It emphasises State obligations rather than political will when addressing food insecurity, poverty and the empowerment of rights holders. Enabling policy, legal and institutional frameworks are important to achieve the right to food.

96. Public policies considered from a human rights perspective translate into a development approach in which the obligation to achieve universal human rights for all is the starting point. This in turn calls for a focus on those whose rights are not fully realized, and their participation in formulating, implementing and evaluating policies, rather than a top-down approach.

97. The development of an overarching and integrated food security policy based on human rights principles is central to achieve the right to adequate food at country level. It is not always easy for food policies to balance the four components of food security: availability, stability, access and utilization. Sufficient food production and food availability at national level is not the only requirement for food security. Policies must also take into consideration the importance of livelihoods and equitable access to resources to guarantee access to sufficient food. Planning is required to ensure that economic growth and trade policies are supportive of poverty reduction and right to food policies. When people cannot feed themselves by their own means, programmes need to be put in place to address the inability of the poor to access adequate food.

98. Legal protection of the right to food is essential. This takes different forms in different countries. In some countries the right to food is written directly into the constitution, while in others the courts have interpreted the constitution as protecting the right to food. Different countries also have different types of legislation that protect the right, and various legal mechanisms by which individuals and/or groups can claim it. In some countries claims relating to the right to food can be brought to the courts.

99. Legal and constitutional recognition of the right to food is important but not sufficient to ensure its implementation, even if it is a justiciable right. Other elements need to be in place, including the rule of law, good governance and accountability. Efficient, accessible and workable legal mechanisms for claiming the right to adequate food are needed. An independent judiciary capable of exercising its responsibility is crucial in guaranteeing the right to food. Judges and lawyers need to be aware of rights provisions in this regard. National human rights institutions have a prime role to play in monitoring

the implementation of the right to food, as well as in receiving complaints from groups and individuals.

100. Implementing right to food policy and legal frameworks requires effective institutions at all levels. The cross-sectoral nature of the right to food requires efforts of coordination across government ministries and offices at the national, sub-national and local levels. Accountability is central to an effective institutional framework for the implementation of the right to food. The State must establish mechanisms to ensure the accountability of those who are responsible for the implementation of this right.

101. Right to food policy needs to be accompanied by implementation strategies with clear, quantified targets and benchmarks, as well as the allocation of institutional responsibilities and accountability. Strategies and action plans must be based on thorough socio-economic assessments for national food security programmes to target food insecure and vulnerable groups. Indicators for the progressive realization of the right to adequate food would make it possible to measure the extent to which policy, legal and institutional frameworks are effective.

102. Awareness raising, human rights education and capacity building are needed on a large scale to realize the right to food. In the long run, these measures will help lead to a shift in the perception of governments and civil society so that economic, social and cultural human rights become an intrinsic part of societal values.

103. There is a growing recognition of the importance of a participatory approach and the inclusion of civil society in designing and implementing programmes to facilitate or provide access to food. Civil society contributes significantly to operationalizing the right to food in many countries by advocating for policy change, by monitoring implementation, and by helping groups and individuals and groups claim their rights.

LIST OF CASE STUDIES

Case study on the Right to Food in Brazil
 Right to Food Case Study: Canada
 Right to Food Case Study: South Africa
 Right to Food Case Study: Uganda
 Right to Food Case Study: India

The above documents are available in English from FAO and can be obtained from: www.fao.org/righttofood.

VOLUNTARY GUIDELINES

to support the progressive realization of
the right to adequate food
in the context of national food security

Adopted by the 127th Session of the FAO Council
November 2004

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome, 2005



Foreword

In 1996, at the World Food Summit, Heads of State and Government reaffirmed “the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.” The declaration of the World Food Summit: five years later, in June 2002, reaffirmed the importance of strengthening the respect of all human rights and fundamental freedoms and invited “the FAO Council to establish an Intergovernmental Working Group to develop a set of Voluntary Guidelines to support Member States’ efforts to achieve the progressive realization of the right to adequate food in the context of national food security”.

An Intergovernmental Working Group was established in November 2002 and working relationships, in particular with the Office of the High Commissioner for Human Rights and the Special Rapporteur on the Right to Food, were strengthened. After two years of intense and constructive negotiations and discussions among members of the Intergovernmental Working Group and its Bureau as well as representatives of stakeholders and civil society, the Voluntary Guidelines were adopted by the FAO Council in November 2004.

The Voluntary Guidelines represent the first attempt by governments to interpret an economic, social and cultural right and to recommend actions to be undertaken for its realization. The objective of the 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 World Food Summit Plan of Action. Relevant stakeholders could also benefit from such guidance. The Voluntary Guidelines cover the full range of actions to be considered by governments at the national level in order to build an enabling environment for people to feed themselves in dignity and to establish appropriate safety nets for those who are unable to do so. They can be used to strengthen and improve current development frameworks, particularly with regard to social and human dimensions, putting the entitlements of people more firmly at the centre of development.

The Voluntary Guidelines represent a step towards integrating human rights into the work of agencies dealing with food and agriculture, such as FAO, as called for by the United Nations Secretary-General within his UN reforms. They provide an additional instrument to combat hunger and poverty and to accelerate attainment of the Millennium Development Goals.

FAO is committed to strengthening its capacity, with the help of Member States, to assist willing governments to implement the Voluntary Guidelines. The Organization looks forward to cooperating with governments and other key actors that wish to pursue rights-based approaches to poverty reduction and are interested in realizing the right to adequate food in the context of national food security by implementing the Voluntary Guidelines. Striving to ensure that every child, woman and man enjoy adequate food on a regular basis is not only a moral imperative and an investment with enormous economic returns; it also signifies the realization of a basic human right.




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Preface

1. The eradication of hunger is clearly reflected in the target set at the World Food Summit to reduce the number of undernourished people to half their present level no later than 2015 and as agreed by the Millennium Summit to “halve the proportion of people who suffer from hunger” by the same year.
2. In the Rome Declaration on World Food Security, Heads of State and Government “reaffirm[ed] the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger.” Objective 7.4 of the World Food Summit Plan of Action established the task: “to clarify the content of the right to adequate food and the fundamental right of everyone to be free from hunger, as stated in the International Covenant on Economic, Social and Cultural Rights and other relevant international and regional instruments, and to give particular attention to implementation and full and progressive realization of this right as a means of achieving food security for all.”
3. The Plan of Action “invite[d] the UN High Commissioner for Human Rights, in consultation with relevant treaty bodies, and in collaboration with relevant specialized agencies and programmes of the UN system and appropriate intergovernmental mechanisms, to better define the rights related to food in Article 11 of the Covenant and to propose ways to implement and realize these rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all.”
4. In response to the invitation by the World Food Summit, and following several international consultations, the Committee on Economic, Social and Cultural Rights adopted General Comment 12, which provided its experts’ views on the progressive realization of the right to adequate food.
5. In Paragraph 10 of the Declaration adopted at the 2002 World Food Summit: *five years later*, Heads of State and Government invited the Council of the Food and Agriculture Organization of the United Nations to establish at its 123rd session an Intergovernmental Working Group (IGWG), in the context of the World

Food Summit follow-up, with the following mandate: “to elaborate, with the participation of stakeholders, in a period of two years, a set of voluntary guidelines to support Member Nations’ efforts to achieve the progressive realization of the right to adequate food in the context of national food security”.

6. The 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. Relevant stakeholders could also benefit from such guidance.

7. The Voluntary Guidelines take into account a wide range of important considerations and principles, including equality and non-discrimination, participation and inclusion, accountability and rule of law, and the principle that all human rights are universal, indivisible, interrelated and interdependent. Food should not be used as a tool for political and economic pressure.

8. In developing these Voluntary Guidelines, the IGWG has benefited from the active participation of international organizations, non-governmental organizations (NGOs) and representatives of civil society. The implementation of these Guidelines, which is primarily the responsibility of States, should benefit from the contribution of all members of civil society at large, including NGOs and the private sector.

9. These Voluntary Guidelines are a human rights-based practical tool addressed to all States. They do not establish legally binding obligations for States or international organizations, nor is any provision in them to be interpreted as amending, modifying or otherwise impairing rights and obligations under national and international law. States are encouraged to apply these Voluntary Guidelines in developing their strategies, policies, programmes and activities, and should do so without discrimination of any kind, such as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Introduction

Basic instruments

10. These Voluntary Guidelines have taken into account relevant international instruments,¹ in particular those instruments in which the progressive realization of the right of everyone to an adequate standard of living, including adequate food, is enshrined.

Universal Declaration of Human Rights, Article 25:

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

International Covenant on Economic, Social and Cultural Rights, Article 11:

1. The States Parties to the present Covenant recognize 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. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international cooperation, the measures, including specific programmes, which are needed:

¹References in the Voluntary Guidelines to the International Covenant on Economic, Social and Cultural Rights and other international treaties do not prejudice the position of any State with respect to signature, ratification or accession to those instruments.

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- (a) to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;
- (b) taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

**International Covenant on Economic, Social and Cultural Rights,
Article 2:**

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.


2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

11. Among others, Articles 55 and 56 of the Charter of the United Nations are relevant to these Voluntary Guidelines.

UN Charter, Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- a. higher standards of living, full employment, and conditions of economic and social progress and development;

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- 
- b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and
 - c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

UN Charter, Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

12. Other international instruments, including the Convention of the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women, the four Geneva Conventions and their two Additional Protocols also contain provisions relevant to these Voluntary Guidelines.

13. These Voluntary Guidelines have taken into account the commitments contained in the Millennium Declaration, including the development goals, as well as the outcomes and commitments of the major UN conferences and summits in the economic, social and related fields.

14. The IGWG has also taken into account several Resolutions from the United Nations General Assembly and Commission on Human Rights and the General Comments adopted by the Committee on Economic, Social and Cultural Rights.

The right to adequate food and the achievement of food security

15. Food security exists when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. The four pillars of food security are availability, stability of supply, access and utilization.


16. The progressive realization of the right to adequate food requires States to fulfil their relevant human rights obligations under international law. These

Voluntary Guidelines aim to guarantee the availability of food in quantity and quality sufficient to satisfy the dietary needs of individuals; physical and economic accessibility for everyone, including vulnerable groups, to adequate food, free from unsafe substances and acceptable within a given culture; or the means of its procurement.

17. States have obligations under relevant international instruments relevant to the progressive realization of the right to adequate food. Notably, States Parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) have the obligation to respect, promote and protect and to take appropriate steps to achieve progressively the full realization of the right to adequate food. States Parties should respect existing access to adequate food by not taking any measures that result in preventing such access, and should protect the right of everyone to adequate food by taking steps so that enterprises and individuals do not deprive individuals of their access to adequate food. States Parties should promote policies intended to contribute to the progressive realization of people's right to adequate food by proactively engaging in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. States Parties should, to the extent that resources permit, establish and maintain safety nets or other assistance to protect those who are unable to provide for themselves.

18. States that are not Parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR) are invited to consider ratifying the ICESCR.

19. At the national level, a human rights-based approach to food security emphasizes universal, interdependent, indivisible and interrelated human rights, the obligations of States and the roles of relevant stakeholders. It emphasizes the achievement of food security as an outcome of the realization of existing rights and includes certain key principles: the need to enable individuals to realize the right to take part in the conduct of public affairs, the right to freedom of expression and the right to seek, receive and impart information, including in relation to decision-making about policies on realizing the right to adequate food. Such an approach should take into account the need for emphasis on poor and vulnerable people who are often excluded from the processes that determine policies to promote food security and the need for inclusive societies free from



discrimination by the State in meeting their obligations to promote and respect human rights. In this approach, people hold their governments accountable and are participants in the process of human development, rather than being passive recipients. A human rights-based approach requires not only addressing the final outcome of abolishing hunger, but also proposing ways and tools by which that goal is achieved. Application of human rights principles is integral to the process.

GUIDELINE 1

**Democracy, good governance,
human rights and the rule of law**

1.1 States should promote and safeguard a free, democratic and just society in order to provide a peaceful, stable and enabling economic, social, political and cultural environment in which individuals can feed themselves and their families in freedom and dignity.

1.2 States should promote democracy, the rule of law, sustainable development and good governance, and promote and protect human rights and fundamental freedoms in order to empower individuals and civil society to make demands on their governments, devise policies that address their specific needs and ensure the accountability and transparency of governments and state decision-making processes in implementing such policies. States should, in particular, promote freedom of opinion and expression, freedom of information, freedom of the press and freedom of assembly and association, which enhances the progressive realization of the right to adequate food in the context of national food security. Food should not be used as a tool for political and economic pressure.

1.3 States should also promote good governance as an essential factor for sustained economic growth, sustainable development, poverty and hunger eradication and for the realization of all human rights including the progressive realization of the right to adequate food.

1.4 States should ensure, in accordance with their international human rights obligations, that all individuals, including human rights defenders of the progressive realization of the right to adequate food, are accorded equal protection under the law and that due process is guaranteed in all legal proceedings.

1.5 Where appropriate and consistent with domestic law, States may assist individuals and groups of individuals to have access to legal assistance to better assert the progressive realization of the right to adequate food.

GUIDELINE 2

Economic development policies

2.1 In order to achieve the progressive realization of the right to adequate food in the context of national food security, States should promote broad-based economic development that is supportive of their food security policies. States should establish policy goals and benchmarks based on the food security needs of their population.

2.2 States should assess, in consultation with key stakeholders, the economic and social situation, including the degree of food insecurity and its causes, the nutrition situation and food safety.

2.3 States should promote adequate and stable supplies of safe food through a combination of domestic production, trade, storage and distribution.

2.4 States should consider adopting a holistic and comprehensive approach to hunger and poverty reduction. Such an approach entails, *inter alia*, direct and immediate measures to ensure access to adequate food as part of a social safety net; investment in productive activities and projects to improve the livelihoods of the poor and hungry in a sustainable manner; the development of appropriate institutions, functioning markets, a conducive legal and regulatory framework; and access to employment, productive resources and appropriate services.

2.5 States should pursue inclusive, non-discriminatory and sound economic, agriculture, fisheries, forestry, land-use, and, as appropriate, land-reform policies, all of which will permit farmers, fishers, foresters and other food producers, particularly women, to earn a fair return from their labour, capital and management, and encourage conservation and sustainable management of natural resources, including in marginal areas.

2.6 Where poverty and hunger are predominantly rural, States should focus on sustainable agricultural and rural development through measures to improve access to land, water, appropriate and affordable technologies, productive and financial resources, enhance the productivity of poor rural communities, promote the participation of the poor in economic policy decisions, share the benefits of

productivity gains, conserve and protect natural resources, and invest in rural infrastructure, education and research. In particular, States should adopt policies that create conditions that encourage stable employment, especially in rural areas, including off-farm jobs.

2.7 In response to the growing problem of urban hunger and poverty, States should promote investments aimed at enhancing the livelihoods of the urban poor.

GUIDELINE 3

Strategies

3.1 States, as appropriate and in consultation with relevant stakeholders and pursuant to their national laws, should consider adopting a national human-rights based strategy for the progressive realization of the right to adequate food in the context of national food security as part of an overarching national development strategy, including poverty reduction strategies, where they exist.

3.2 The elaboration of these strategies should begin with a careful assessment of existing national legislation, policy and administrative measures, current programmes, systematic identification of existing constraints and availability of existing resources. States should formulate the measures necessary to remedy any weakness, and propose an agenda for change and the means for its implementation and evaluation.

3.3 These strategies could include objectives, targets, benchmarks and time frames; and actions to formulate policies, identify and mobilize resources, define institutional mechanisms, allocate responsibilities, coordinate the activities of different actors, and provide for monitoring mechanisms. As appropriate, such strategies could address all aspects of the food system, including the production, processing, distribution, marketing and consumption of safe food. They could also address access to resources and to markets as well as parallel measures in other fields. These strategies should, in particular, address the needs of vulnerable and disadvantaged groups, as well as special situations such as natural disasters and emergencies.

3.4 Where necessary, States should consider adopting and, as appropriate, reviewing a national poverty reduction strategy that specifically addresses access to adequate food.

3.5 States, individually or in cooperation with relevant international organizations, should consider integrating into their poverty reduction strategy a human rights perspective based on the principle of non-discrimination. In raising the standard of living of those below the poverty line, due regard should be given to the need to ensure equality in practice to those who are traditionally disadvantaged and between women and men.

3.6 In their poverty reduction strategies, States should also give priority to providing basic services for the poorest, and investing in human resources by ensuring access to primary education for all, basic health care, capacity building in good practices, clean drinking-water, adequate sanitation and justice and by supporting programmes in basic literacy, numeracy and good hygiene practices.

3.7 States are encouraged, *inter alia* and in a sustainable manner, to increase productivity and to revitalize the agriculture sector including livestock, forestry and fisheries through special policies and strategies targeted at small-scale and traditional fishers and farmers in rural areas, and the creation of enabling conditions for private sector participation, with emphasis on human capacity development and the removal of constraints to agricultural production, marketing and distribution.

3.8 In developing these strategies, States are encouraged to consult with civil society organizations and other key stakeholders at national and regional levels, including small-scale and traditional farmers, the private sector, women and youth associations, with the aim of promoting their active participation in all aspects of agricultural and food production strategies.

3.9 These strategies should be transparent, inclusive and comprehensive, cut across national policies, programmes and projects, take into account the special needs of girls and women, combine short-term and long-term objectives, and be prepared and implemented in a participatory and accountable manner.

3.10 States should support, including through regional cooperation, the implementation of national strategies for development, in particular for the reduction of poverty and hunger as well as for the progressive realization of the right to adequate food.

GUIDELINE 4

Market systems

4.1 States should, in accordance with their national law and priorities, as well as their international commitments, improve the functioning of their markets, in particular their agricultural and food markets, in order to promote both economic growth and sustainable development, *inter alia*, by mobilizing domestic savings, both public and private, by developing appropriate credit policies, by generating sustainable adequate levels of national productive investment through credits in concessional terms and by increasing human capacity.

4.2 States should put legislation, policies, procedures and regulatory and other institutions in place to ensure non-discriminatory access to markets and to prevent uncompetitive practices in markets.

4.3 States should encourage the development of corporate social responsibility and the commitment of all market players and civil society towards the progressive realization of the right of individuals to adequate food in the context of national food security.

4.4 States should provide adequate protection to consumers against fraudulent market practices, misinformation and unsafe food. The measures toward this objective should not constitute unjustified barriers to international trade and should be in conformity with the WTO agreements.

4.5 States should, as appropriate, promote the development of small-scale local and regional markets and border trade to reduce poverty and increase food security, particularly in poor rural and urban areas.

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- 4.6** States may wish to adopt measures to ensure that the widest number of individuals and communities, especially disadvantaged groups, can benefit from opportunities created by competitive agricultural trade.
- 4.7** States should strive to ensure that food, agricultural trade and overall trade policies are conducive to fostering food security for all through a non-discriminatory and market-oriented local, regional, national and world trade system.
- 4.8** States should endeavour to establish well functioning internal marketing, storage, transportation, communication and distribution systems, *inter alia*, to facilitate diversified trade and better links within and between domestic, regional and world markets, as well as to take advantage of new market opportunities.
- 4.9** States will take into account that markets do not automatically result in everybody achieving a sufficient income at all times to meet basic needs, and should therefore seek to provide adequate social safety nets and, where appropriate, the assistance of the international community for this purpose.
- 4.10** States should take into account the shortcomings of market mechanisms in protecting the environment and public goods.

GUIDELINE 5

Institutions

- 5.1** States, where appropriate, should assess the mandate and performance of relevant public institutions and, where necessary, establish, reform or improve their organization and structure to contribute to the progressive realization of the right to adequate food in the context of national food security.
- 5.2** To this end, States may wish to ensure the coordinated efforts of relevant government ministries, agencies and offices. They could establish national intersectoral coordination mechanisms to ensure the concerted implementation, monitoring and evaluation of policies, plans and programmes. States are encouraged to involve relevant communities in all aspects of planning and execution of activities in these areas.

5.3 States may also wish to entrust a specific institution with overall responsibility for overseeing and coordinating the application of these guidelines, bearing in mind the Declaration and Programme of Action of the 1993 Vienna World Conference on Human Rights and taking due account of existing agriculture conventions and protocols. In order to ensure transparency and accountability, the functions and tasks of this institution would need to be clearly defined, regularly reviewed and provision made for adequate monitoring mechanisms.

5.4 States should ensure that relevant institutions provide for full and transparent participation of the private sector and of civil society, in particular representatives of the groups most affected by food insecurity.

5.5 States should take measures, where and if necessary, to develop, strengthen, implement and maintain effective anticorruption legislation and policies, including in the food sector and in the management of emergency food aid.

GUIDELINE 6

Stakeholders

6.1 Recognizing the primary responsibility of States for the progressive realization of the right to adequate food, States are encouraged to apply a multistakeholder approach to national food security to identify the roles of and involve all relevant stakeholders, encompassing civil society and the private sector, drawing together their know-how with a view to facilitating the efficient use of resources.

GUIDELINE 7

Legal framework

7.1 States are invited to consider, in accordance with their domestic legal and policy frameworks, whether to include provisions in their domestic law, possibly including constitutional or legislative review that facilitates the progressive realization of the right to adequate food in the context of national food security.

7.2 States are invited to consider, in accordance with their domestic legal and policy frameworks, whether to include provisions in their domestic law, which may include their constitutions, bills of rights or legislation, to directly implement the

progressive realization of the right to adequate food. Administrative, quasi-judicial and judicial mechanisms to provide adequate, effective and prompt remedies accessible, in particular, to members of vulnerable groups may be envisaged.

7.3 States that have established a right to adequate food under their legal system should inform the general public of all available rights and remedies to which they are entitled.

7.4 States should consider strengthening their domestic law and policies to accord access by women heads of households to poverty reduction and nutrition security programmes and projects.

GUIDELINE 8

Access to resources and assets

8.1 States should facilitate sustainable, non-discriminatory and secure access and utilization of resources consistent with their national law and with international law and protect the assets that are important for people's livelihoods. States should respect and protect the rights of individuals with respect to resources such as land, water, forests, fisheries and livestock without any discrimination. Where necessary and appropriate, States should carry out land reforms and other policy reforms consistent with their human rights obligations and in accordance with the rule of law in order to secure efficient and equitable access to land and to strengthen pro-poor growth. Special attention may be given to groups such as pastoralists and indigenous people and their relation to natural resources.

8.2 States should take steps so that members of vulnerable groups can have access to opportunities and economic resources in order to participate fully and equally in the economy.

8.3 States should pay particular attention to the specific access problems of women and of vulnerable, marginalized and traditionally disadvantaged groups, including all persons affected by HIV/AIDS. States should take measures to protect all people affected by HIV/AIDS from losing their access to resources and assets.

8.4 States should promote agricultural research and development, in particular to promote basic food production with its positive effects on basic incomes and its benefits to small and women farmers, as well as poor consumers.

8.5 States should, within the framework of relevant international agreements, including those on intellectual property, promote access by medium- and small-scale farmers to research results enhancing food security.

8.6 States should promote women's full and equal participation in the economy and, for this purpose, introduce, where it does not exist, and implement gender-sensitive legislation providing women with the right to inherit and possess land and other property. States should also provide women with secure and equal access to, control over, and benefits from productive resources, including credit, land, water and appropriate technologies.

8.7 States should design and implement programmes that include different mechanisms of access and appropriate use of agricultural land directed to the poorest populations.

GUIDELINE 8A

Labour

8.8 States should take measures to encourage sustainable development in order to provide opportunities for work that provide remuneration allowing for an adequate standard of living for rural and urban wage earners and their families, and to promote and protect self-employment. For States that have ratified the relevant instruments, working conditions should be consistent with the obligations they have assumed under the International Covenant on Economic, Social and Cultural Rights, relevant ILO Conventions and other treaties including human rights conventions.

8.9 In order to improve access to the labour market, States should enhance human capital through education programmes, adult literacy and additional training programmes, as required, regardless of race, colour, gender, language, religion, political opinion, national or social origin, property, birth or other status.

GUIDELINE 8B

Land

8.10 States should take measures to promote and protect the security of land tenure, especially with respect to women, and poor and disadvantaged segments of society, through legislation that protects the full and equal right to own land and other property, including the right to inherit. As appropriate, States should consider establishing legal and other policy mechanisms, consistent with their international human rights obligations and in accordance with the rule of law, that advance land reform to enhance access for the poor and women. Such mechanisms should also promote conservation and sustainable use of land. Special consideration should be given to the situation of indigenous communities.

GUIDELINE 8C

Water

8.11 Bearing in mind that access to water in sufficient quantity and quality for all is fundamental for life and health, States should strive to improve access to, and promote sustainable use of, water resources and their allocation among users giving due regard to efficiency and the satisfaction of basic human needs in an equitable manner and that balances the requirement of preserving or restoring the functioning of ecosystems with domestic, industrial and agricultural needs, including safeguarding drinking-water quality.

GUIDELINE 8D

Genetic resources for food and agriculture

8.12 States, taking into account the importance of biodiversity, and consistent with their obligations under relevant international agreements, should consider specific national policies, legal instruments and supporting mechanisms to prevent the erosion of and ensure the conservation and sustainable use of genetic resources for food and agriculture, including, as appropriate, for the protection of relevant traditional knowledge and equitable participation in sharing benefits arising from the use of these resources, and by encouraging, as appropriate, the participation of local and indigenous communities and farmers in making national decisions on matters related to the conservation and sustainable use of genetic resources for food and agriculture.

GUIDELINE 8E

Sustainability

8.13 States should consider specific national policies, legal instruments and supporting mechanisms to protect ecological sustainability and the carrying capacity of ecosystems to ensure the possibility for increased, sustainable food production for present and future generations, prevent water pollution, protect the fertility of the soil, and promote the sustainable management of fisheries and forestry.

GUIDELINE 8F

Services

8.14 States should create an enabling environment and strategies to facilitate and support the development of private and public sector initiatives to promote appropriate tools, technologies and mechanization in the provision of relevant services, including research, extension, marketing, rural finance and microcredit, to enable more efficient food production by all farmers, in particular poor farmers, and to address local constraints such as shortage of land, water and farm power.

GUIDELINE 9

**Food safety and
consumer protection**

9.1 States should take measures to ensure that all food, whether locally produced or imported, freely available or sold on markets, is safe and consistent with national food safety standards.

9.2 States should establish comprehensive and rational food-control systems that reduce risk of food-borne disease using risk analysis and supervisory mechanisms to ensure food safety in the entire food chain including animal feed.

9.3 States are encouraged to take action to streamline institutional procedures for food control and food safety at national level and eliminate gaps and overlaps in inspection systems and in the legislative and regulatory framework for food. States are encouraged to adopt scientifically based food safety standards, including standards for additives, contaminants, residues of veterinary drugs and pesticides, and microbiological hazards, and to establish standards for the packaging,

labelling and advertising of food. These standards should take into consideration internationally accepted food standards (Codex Alimentarius) in accordance with the WTO Sanitary and Phytosanitary Agreement (SPS). States should take action to prevent contamination from industrial and other pollutants in the production, processing, storage, transport, distribution, handling and sale of food.

9.4 States may wish to establish a national coordinating committee for food to bring together both governmental and non-governmental actors involved in the food system and to act as liaison with the FAO/WHO Codex Alimentarius Commission. States should consider collaborating with private stakeholders in the food system, both by assisting them in exercising controls on their own production and handling practices, and by auditing those controls.

9.5 Where necessary, States should assist farmers and other primary producers to follow good agricultural practices, food processors to follow good manufacturing practices, and food handlers to follow good hygiene practices. States are encouraged to consider establishing food safety systems and supervisory mechanisms to ensure the provision of safe food to consumers.

9.6 States should ensure that education on safe practices is available for food business operators so that their activities neither lead to harmful residues in food nor cause harm to the environment. States should also take measures to educate consumers about the safe storage, handling and utilization of food within the household. States should collect and disseminate information to the public regarding food-borne diseases and food safety matters, and should cooperate with regional and international organizations addressing food safety issues.

9.7 States should adopt measures to protect consumers from deception and misrepresentation in the packaging, labelling, advertising and sale of food and facilitate consumers' choice by ensuring appropriate information on marketed food, and provide recourse for any harm caused by unsafe or adulterated food, including food offered by street sellers. Such measures should not be used as unjustified barriers to trade; they should be in conformity with the WTO agreements (in particular SPS and TBT).

9.8 Developed countries are encouraged to provide technical assistance to developing countries through advice, credits, donations and grants for capacity building and training in food safety. When possible and appropriate, developing countries with more advanced capabilities in food safety-related areas are encouraged to lend assistance to less advanced developing countries.

9.9 States are encouraged to cooperate with all stakeholders, including regional and international consumer organizations, in addressing food safety issues, and consider their participation in national and international fora where policies with impact on food production, processing, distribution, storage and marketing are discussed.

GUIDELINE 10

Nutrition

10.1 If necessary, States should take measures to maintain, adapt or strengthen dietary diversity and healthy eating habits and food preparation, as well as feeding patterns, including breastfeeding, while ensuring that changes in availability and access to food supply do not negatively affect dietary composition and intake.

10.2 States are encouraged to take steps, in particular through education, information and labelling regulations, to prevent overconsumption and unbalanced diets that may lead to malnutrition, obesity and degenerative diseases.

10.3 States are encouraged to involve all relevant stakeholders, in particular communities and local government, in the design, implementation, management, monitoring and evaluation of programmes to increase the production and consumption of healthy and nutritious foods, especially those that are rich in micronutrients. States may wish to promote gardens both at home and at school as a key element in combating micronutrient deficiencies and promoting healthy eating. States may also consider adopting regulations for fortifying foods to prevent and cure micronutrient deficiencies, in particular of iodine, iron and Vitamin A.

10.4 States should address the specific food and nutritional needs of people living with HIV/AIDS or suffering from other epidemics.

10.5 States should take appropriate measures to promote and encourage breastfeeding, in line with their cultures, the International Code of Marketing of Breast-milk Substitutes and subsequent resolutions of the World Health Assembly, in accordance with the WHO/UNICEF recommendations.

10.6 States may wish to disseminate information on the feeding of infants and young children that is consistent and in line with current scientific knowledge and internationally accepted practices and to take steps to counteract misinformation on infant feeding. States should consider with utmost care issues regarding breastfeeding and human immunodeficiency virus (HIV) infection on the basis of the most up-to-date, authoritative scientific advice and referring to the latest WHO/UNICEF guidelines.

10.7 States are invited to take parallel action in the areas of health, education and sanitary infrastructure and promote intersectoral collaboration, so that necessary services and goods become available to people to enable them to make full use of the dietary value in the food they eat and thus achieve nutritional well-being.

10.8 States should adopt measures to eradicate any kind of discriminatory practices, especially with respect to gender, in order to achieve adequate levels of nutrition within the household.

10.9 States should recognize that food is a vital part of an individual's culture, and they are encouraged to take into account individuals' practices, customs and traditions on matters related to food.

10.10 States are reminded of the cultural values of dietary and eating habits in different cultures and should establish methods for promoting food safety, positive nutritional intake including fair distribution of food within communities and households with special emphasis on the needs and rights of both girls and boys, as well as pregnant women and lactating mothers, in all cultures.

GUIDELINE 11

Education and awareness raising

11.1 States should support investment in human resource development such as health, education, literacy and other skills training, which are essential to sustainable development, including agriculture, fisheries, forestry and rural development.

11.2 States should strengthen and broaden primary education opportunities, especially for girls, women and other underserved populations.

11.3 States should encourage agricultural and environmental education at the primary and secondary levels in order to create a better awareness in new generations about the importance of conserving and making sustainable use of natural resources.

11.4 States should support higher education by strengthening developing country university and technical faculties of agriculture-related disciplines and business to carry out both education and research functions, and by engaging universities throughout the world in training developing country agriculturalists, scientists and businesspeople at the graduate and post-graduate levels.

11.5 States should provide information to individuals to strengthen their ability to participate in food-related policy decisions that may affect them, and to challenge decisions that threaten their rights.

11.6 States should implement measures to make people improve their housing conditions and their means for food preparation, because they are related to food safety. Such measures should be made in the educative and infrastructure fields, especially in rural households.

11.7 States should promote, and/or integrate into school curricula, human rights education, including civil, political, economic, social and cultural rights, which includes the progressive realization of the right to adequate food.

11.8 States are encouraged to promote awareness of the importance of human rights, including the progressive realization of the right to adequate food.

11.9 States should provide proper training to officials responsible for the implementation of the progressive realization of the right to adequate food.

11.10 States should raise public awareness of these guidelines and continuously provide and improve access to them and to relevant human rights laws and regulations, particularly in rural and remote areas.

11.11 States may wish to empower civil society to participate in the implementation of these guidelines, for instance through capacity building.

GUIDELINE 12

National financial resources

12.1 Regional and local authorities are encouraged to allocate resources for anti-hunger and food security purposes in their respective budgets.

12.2 States should ensure transparency and accountability in the use of public resources, particularly in the area of food security.

12.3 States are encouraged to promote basic social programmes and expenditures, in particular those affecting the poor and the vulnerable segments of society, and to protect them from budget reductions, while increasing the quality and effectiveness of social expenditures. States should strive to ensure that budget cuts do not negatively affect access to adequate food among the poorest sections of society.

12.4 States are encouraged to establish an enabling legal and economic environment to promote and mobilize domestic savings and attract external resources for productive investment, and seek innovative sources of funding, both public and private at national and international levels, for social programmes.

12.5 States are invited to take appropriate steps and suggest strategies to contribute to raise awareness of the families of migrants in order to promote

efficient use of the remittances of migrants for investments that could improve their livelihoods, including the food security of their families.

GUIDELINE 13

Support for vulnerable groups

13.1 Consistent with the World Food Summit commitment, States should establish Food Insecurity and Vulnerability Information and Mapping Systems (FIVIMS), in order to identify groups and households particularly vulnerable to food insecurity along with the reasons for their food insecurity. States should develop and identify corrective measures to be implemented both immediately and progressively to provide access to adequate food.

13.2 States are invited to systematically undertake disaggregated analysis on the food insecurity, vulnerability and nutritional status of different groups in society, with particular attention to assessing any form of discrimination that may manifest itself in greater food insecurity and vulnerability to food insecurity, or in a higher prevalence of malnutrition among specific population groups, or both, with a view to removing and preventing such causes of food insecurity or malnutrition.

13.3 States should establish transparent, non-discriminatory eligibility criteria in order to ensure effective targeting of assistance, so that no one who is in need is excluded, or that those not in need of assistance are included. Effective accountability and administrative systems are essential to prevent leakages and corruption. Factors to take into account include household and individual assets and income, nutrition and health status, as well as existing coping mechanisms.

13.4 States may wish to give priority to channelling food assistance via women as a means of enhancing their decision-making role and ensuring that the food is used to meet the household's food requirements.

GUIDELINE 14

Safety nets

14.1 States should consider, to the extent that resources permit, establishing and maintaining social safety and food safety nets to protect those who are unable to

provide for themselves. As far as possible, and with due regard to effectiveness and coverage, States should consider building on existing capacities within communities at risk to provide the necessary resources for social safety and food safety nets to fulfil the progressive realization of the right to adequate food. States may wish to consider the benefits of procuring locally.

14.2 States and international organizations should consider the benefits of local procurement for food assistance that could integrate the nutritional needs of those affected by food insecurity and the commercial interests of local producers.

14.3 Although the design of social and food safety nets will depend on the nature of food insecurity, objectives, budget, existing administrative capacity and local circumstances such as levels of food supply and local food markets, States should nonetheless ensure that they adequately target those in need and respect the principle of non-discrimination in the establishment of eligibility criteria.

14.4 States should take steps, to the extent that resources permit, so that any measure of an economic or financial nature likely to have a negative impact on existing levels of food consumption of vulnerable groups be accompanied by provision for effective food safety nets. Safety nets should be linked to other complementary interventions that promote food security in the longer term.

14.5 In situations where it has been determined that food plays an appropriate role in safety nets, food assistance should bridge the gap between the nutritional needs of the affected population and their ability to meet those needs themselves. Food assistance should be provided with the fullest possible participation of those affected, and such food should be nutritionally adequate and safe, bearing in mind local circumstances, dietary traditions and cultures.

14.6 States should consider accompanying food assistance in safety net schemes with complementary activities to maximize benefits towards ensuring people's access to and utilization of adequate food. Essential complementary activities include access to clean water and sanitation, health care interventions and nutrition education activities.

14.7 States, in the design of safety nets, should consider the important role of international organizations such as FAO, IFAD and WFP, and other relevant international, regional and civil society organizations that can assist them in fighting rural poverty and promoting food security and agricultural development.

GUIDELINE 15

International food aid

15.1 Donor States should ensure that their food aid policies support national efforts by recipient States to achieve food security, and base their food aid provisions on sound needs assessment, targeting especially food insecure and vulnerable groups. In this context, donor States should provide assistance in a manner that takes into account food safety, the importance of not disrupting local food production and the nutritional and dietary needs and cultures of recipient populations. Food aid should be provided with a clear exit strategy and avoid the creation of dependency. Donors should promote increased use of local and regional commercial markets to meet food needs in famine-prone countries and reduce dependence on food aid.

15.2 International food-aid transactions, including bilateral food aid that is monetized, should be carried out in a manner consistent with the FAO Principles of Surplus Disposal and Consultative Obligations, the Food Aid Convention and the WTO Agreement on Agriculture, and should meet the internationally agreed food safety standards, bearing in mind local circumstances, dietary traditions and cultures.

15.3 States and relevant non-state actors should ensure, in accordance with international law, safe and unimpeded access to the populations in need, as well as for international needs assessments, and by humanitarian agencies involved in the distribution of international food assistance.

15.4 The provision of international food aid in emergency situations should take particular account of longer-term rehabilitation and development objectives in the recipient countries, and should respect universally recognized humanitarian principles.

15.5 The assessment of needs and the planning, monitoring and evaluation of the provision of food aid should, as far as possible, be made in a participatory manner and, whenever possible, in close collaboration with recipient governments at the national and local level.

GUIDELINE 16

Natural and human-made disasters

16.1 Food should never be used as a means of political and economic pressure.

16.2 States reaffirm the obligations they have assumed under international humanitarian law and, in particular, as parties to the 1949 Geneva Conventions and/or the 1977 Additional Protocols thereto with respect to the humanitarian needs of the civilian population, including their access to food in situations of armed conflict and occupation, *inter alia*,

Additional Protocol I provides, *inter alia*, that “[t]he starvation of civilians as a method of warfare is prohibited” and that “[i]t is prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them, for their sustenance value to the civilian population or to the adverse party, whatever the motive, whether in order to starve out civilians, to cause them to move away, or for any other motive”, and that “these objects shall not be made the object of reprisals”.

16.3 In situations of occupation, international humanitarian law provides, *inter alia*: that to the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; that it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the Occupied Territory are inadequate; and that if the whole or part of the population of an Occupied Territory is inadequately

supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at its disposal.²

16.4 States reaffirm the obligations they have assumed regarding the protection, safety and security of humanitarian personnel.

16.5 States should make every effort to ensure that refugees and internally displaced persons have access at all times to adequate food. In this respect, States and other relevant stakeholders should be encouraged to make use of the Guiding Principles on Internal Displacement when dealing with situations of internal displacement.

16.6 In the case of natural or human-made disasters, States should provide food assistance to those in need, may request international assistance if their own resources do not suffice, and should facilitate safe and unimpeded access for international assistance in accordance with international law and universally recognized humanitarian principles, bearing in mind local circumstances, dietary traditions and cultures.

16.7 States should put in place adequate and functioning mechanisms of early warning to prevent or mitigate the effects of natural or human-made disasters. Early warning systems should be based on international standards and cooperation, on reliable, disaggregated data and should be constantly monitored. States should take appropriate emergency preparedness measures, such as keeping food stocks for the acquisition of food, and take steps to put in place adequate systems for distribution.

16.8 States are invited to consider establishing mechanisms to assess nutritional impact and to gain understanding of the coping strategies of affected households in the event of natural or human-made disasters. This should inform the targeting, design, implementation and evaluation of relief, rehabilitation and resilience building programmes.

² 1949 Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War, Articles 55, 59.



GUIDELINE 17

Monitoring, indicators and benchmarks

17.1 States may wish to establish mechanisms to monitor and evaluate the implementation of these guidelines towards the progressive realization of the right to adequate food in the context of national food security, in accordance with their capacity and by building on existing information systems and addressing information gaps.

17.2 States may wish to consider conducting “Right to Food Impact Assessments” in order to identify the impact of domestic policies, programmes and projects on the progressive realization of the right to adequate food of the population at large and vulnerable groups in particular, and as a basis for the adoption of the necessary corrective measures.

17.3 States may also wish to develop a set of process, impact and outcome indicators, relying on indicators already in use and monitoring systems such as FIVIMS, so as to assess the implementation of the progressive realization of the right to adequate food. They may wish to establish appropriate benchmarks to be achieved in the short, medium and long term, which relate directly to meeting poverty and hunger reduction targets as a minimum, as well as other national and international goals including those adopted at the World Food Summit and the Millennium Summit.

17.4 In this evaluation process, process indicators could be so identified or designed that they explicitly relate and reflect the use of specific policy instruments and interventions with outcomes consistent with the progressive realization of the right to adequate food in the context of national food security. Such indicators could enable States to implement legal, policy and administrative measures, detect discriminatory practices and outcomes, and ascertain the extent of political and social participation in the process of realizing that right.

17.5 States should, in particular, monitor the food security situation of vulnerable groups, especially women, children and the elderly, and their nutritional status, including the prevalence of micronutrient deficiencies.

17.6 In this evaluation process, States should ensure a participatory approach to information gathering, management, analysis, interpretation and dissemination.

GUIDELINE 18

National human rights institutions

18.1 States that have as a matter of national law or policy adopted a rights-based approach, and national human rights institutions or ombudspersons, may wish to include the progressive realization of the right to adequate food in the context of national food security in their mandates. States that do not have national human rights institutions or ombudspersons are encouraged to establish them. Human rights institutions should be independent and autonomous from the government, in accordance with the Paris Principles. States should encourage civil society organizations and individuals to contribute to monitoring activities undertaken by national human rights institutions with respect to the progressive realization of the right to adequate food.

18.2 States are invited to encourage efforts by national institutions to establish partnerships and increase cooperation with civil society.

GUIDELINE 19

International dimension

19.1 States should fulfil those measures, actions and commitments on the international dimension, as described in Section III below, in support of the implementation of the Voluntary Guidelines, which assist States in their national efforts in the progressive realization of the right to adequate food in the context of national food security as set forth by the World Food Summit and the World Food Summit: *five years later* within the context of the Millennium Declaration.

International cooperation and unilateral measures

1. In the context of recent major international conferences, the international community has stated its deep concern over the persistence of hunger, its readiness to support national governments in their efforts to combat hunger and malnutrition and its commitment to cooperate actively within the global partnership for development, which includes the International Alliance Against Hunger.
2. States have the primary responsibility for their own economic and social development, including the progressive realization of the right to adequate food in the context of national food security. Stressing that national development efforts should be supported by an enabling international environment, the international community and the UN system, including FAO, as well as other relevant agencies and bodies according to their mandates, are urged to take actions in supporting national development efforts for the progressive realization of the right to adequate food in the context of national food security. This essential role of international cooperation is recognized, *inter alia*, in article 56 of the Charter of the United Nations as well as in the outcomes of major international conferences such as the Plan of Implementation of the World Summit on Sustainable Development. Food should not be used as a tool of economic and political pressure.
3. States are strongly urged to take steps with a view to the avoidance of, and refrain from, any unilateral measure not in accordance with international law and the charter of the United Nations that impedes the full achievement of economic and social development by the populations of the affected countries and that hinders their progressive realization of the right to adequate food.

Role of the international community

4. Consistent with commitments made at various international conferences, in particular the Monterrey Consensus, developed countries should assist developing countries in attaining international development goals, including those contained in the Millennium Declaration. States and relevant international organizations

according to their respective mandates should actively support the progressive realization of the right to adequate food at the national level. External support, including South–South cooperation, should be coordinated with national policies and priorities.

Technical cooperation

5. Developed and developing countries should act in partnership to support their efforts to achieve the progressive realization of the right to adequate food in the context of national food security through technical cooperation, including institutional capacity building, and transfer of technology on mutually agreed terms, as committed in the major international conferences, in all areas covered in these guidelines, with special focus on impediments to food security such as HIV/AIDS.

International trade

6. International trade can play a major role in the promotion of economic development, and the alleviation of poverty and improving food security at the national level.

7. States should promote international trade as one of the effective instruments for development, as expanded international trade could open opportunities to reduce hunger and poverty in many of the developing countries.

8. It is recalled that the long-term objective referred to in the WTO Agreement on Agriculture is to establish a fair and market-oriented trading system through a programme of fundamental reform encompassing strengthened rules and specific commitments on support and protection in order to correct and prevent restrictions and distortions in world agricultural markets.

9. States are urged to implement commitments expressed at various relevant international conferences and the recommendations of the São Paulo Consensus (the eleventh session of the United Nations Conference on Trade and Development) including, for example, those reproduced below:

75. Agriculture is a central element in the current negotiations. Efforts should be intensified to achieve the internationally agreed aims embodied in the three pillars of the Doha mandate, namely substantial improvements in market access; reductions of, with a view to phasing out, all forms of export subsidies; and substantial reductions in trade-distorting domestic support. The negotiations on agriculture taking place in the WTO should deliver an outcome that is consistent with the ambition set out in the Doha mandate. Special and differential treatment for developing countries shall be an integral part of all elements of the negotiations and shall take fully into account development needs in a manner consistent with the Doha mandate, including food security and rural development. Non-trade concerns of countries will be taken into account, as provided for in the Agreement on Agriculture, in accordance with paragraph 13 of the Doha Ministerial Declaration.

...

77. Efforts at extending market access liberalization for non-agricultural products under the Doha Work Programme should be intensified with the aim of reducing or, as appropriate, eliminating tariffs, including tariff peaks, high tariffs and tariff escalation, as well as non-tariff barriers, in particular on products of export interest to developing countries. Negotiations should take fully into account the special needs and interests of developing countries and LDCs, including through less than full reciprocity in reduction commitments.

10. Such measures can contribute to strengthening an enabling environment for the progressive realization of the right to adequate food in the context of national food security.

External debt

11. States and relevant international organizations should, as appropriate, pursue external debt relief measures vigorously and expeditiously in order to release resources for combating hunger, alleviating rural and urban poverty and promoting sustainable development. Creditors and debtors must share the responsibility for

preventing and resolving unsustainable debt situations. Speedy, effective and full implementation of the enhanced heavily indebted poor countries (HIPC) initiative, which should be fully financed by additional resources, is critical. Furthermore, all official and commercial creditors are urged to participate in this initiative. Heavily indebted poor countries should take or continue to take policy measures required to ensure the full implementation of the HIPC initiative.

Official development assistance

12. Consistent with the Monterrey Consensus, developed countries should assist developing countries in attaining international development goals, including those contained in the Millennium Declaration, by providing adequate technical and financial assistance and by making concrete efforts towards the targets for ODA of 0.7 percent of GNP to developing countries and 0.15 percent to 0.2 percent of GNP to least developed countries. This should be linked to efforts to improve the quality and effectiveness of aid, including through better coordination, closer integration with national development strategies, greater predictability and stability and genuine national ownership. Donors should be encouraged to take steps to ensure that resources provided for debt relief do not detract from ODA resources intended to be available for developing countries. Developing countries are encouraged to build on progress achieved in ensuring that ODA is used effectively to help achieve development goals and targets. In addition, voluntary financial mechanisms supportive of efforts to achieve sustained growth, development and poverty eradication should be explored.

International food aid

13. States that provide international assistance in the form of food aid should regularly examine their relevant policies and, if necessary, review them to support national efforts by recipient States to progressively realize the right to adequate food in the context of national food security. In the broader context of food security policy, States should base their food aid policies on sound needs assessment that involves both recipient and donors and that targets especially needy and vulnerable groups. In this context, States should provide such assistance in a manner that takes into account the importance of food safety, local and

regional food production capacity and benefits, and the nutritional needs as well as cultures of recipient populations.

Partnerships with NGOs/CSOs/private sector

14. States, international organizations, civil society, the private sector, all relevant non-governmental organizations and other stakeholders should promote the strengthening of partnerships and coordinated action, including programmes and capacity development efforts, with a view to strengthening the progressive realization of the right to adequate food in the context of national food security.

Promotion and protection of the right to adequate food

15. The organs and specialized agencies related to human rights should continue to enhance the coordination of their activities based on the consistent and objective application of international human right instruments, including the promotion of the progressive realization of the right to adequate food. The promotion and protection of all human rights and fundamental freedoms must be considered a priority objective of the United Nations in accordance with its purposes and principles, in particular the purpose of international cooperation. In the framework of these purposes and principles, the promotion and protection of all human rights, including the progressive realization of the right to adequate food, is a legitimate concern of all Member States, the international community and civil society.

International reporting

16. States may report on a voluntary basis on relevant activities and progress achieved in implementing the Voluntary Guidelines on the progressive realization of the right to adequate food in the context of national food security, to the FAO Committee on World Food Security (CFS) within its reporting procedures.

This publication presents seven information papers and a case studies report that were prepared during the negotiation process preceding the adoption of the *Voluntary Guidelines to support the progressive realization of the right to adequate food in the context of national food security*. The information papers cover issues that were controversial during negotiations, or complex legal questions for which clarification was requested. The case studies report summarizes the outcome of studies commissioned in five countries to gather information about practical in-country experiences with different policies and programmes that are conducive to realizing the population's right to adequate food. The full text of the *Voluntary Guidelines* is also included. Development practitioners in governments, development agencies, civil society and academia concerned with realizing the right to food should find the publication a valuable aid to decision-making.

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